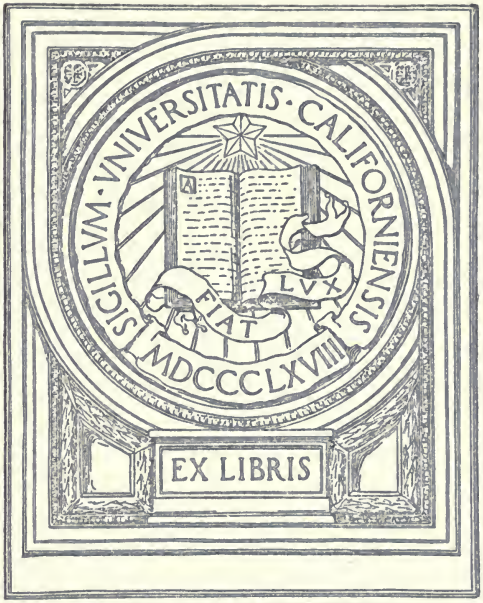
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A HISTORY

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EDITED BY

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IN 27 VOLUMES
VOL. 17

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THE AMERICAN NATION: A HISTORY

VOLUME 17

WESTWARD EXTENSION

1841–1850

BY

GEORGE PIERCE GARRISON, PH.D.

PROFESSOR OF HISTORY, UNIVERSITY OF TEXAS

WITH MAPS

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MAIN

CONTENTS

CHAP.		PAGE
	EDITOR'S INTRODUCTION	xi
	AUTHOR'S PREFACE	xiii
I.	THE EXPANSION MOVEMENT (1790–1841)	3
II.	THE FIELD FOR EXPANSION (1800–1841)	22
III.	ELECTION OF 1840 (1839–1840)	43
IV.	THE QUARREL BETWEEN TYLER AND THE WHIGS (1841–1842)	51
V.	ADJUSTMENT OF THE MAINE BOUNDARY CONTROVERSY (1841–1842)	67
VI.	THE TEXAN QUESTION (1819–1841)	85
VII.	THE BOUNDARY OF TEXAS (1748–1841)	98
VIII.	DIPLOMATIC NEGOTIATIONS FOR THE ANNEXATION OF TEXAS (1841–1844)	109
IX.	THE ELECTION OF 1844 (1843–1844)	123
X.	ANNEXATION OF TEXAS BY JOINT RESOLUTION OF CONGRESS (1844–1846)	141
XI.	ADJUSTMENT OF THE OREGON CONTROVERSY (1827–1846)	157
XII.	FISCAL REORGANIZATION AND TARIFF READJUSTMENT (1841–1846)	174
XIII.	THE RUPTURE WITH MEXICO (1843–1846)	188
XIV.	THE SLIDELL MISSION (August, 1845–March, 1846)	208

CHAP.		PAGE
XV.	Conquering a Peace (1846–1848)	228
XVI.	The Wilmot Proviso (1846–1847)	254
XVII.	The Election of 1848 (1847–1848) . . .	269
XVIII.	Isthmian Diplomacy (1846–1850)	285
XIX.	The Complex Slavery Issue (1847–1849) .	294
XX.	The Compromise of 1850 (1849–1850) . . .	315
XXI.	Critical Essay on Authorities	333

MAPS

North America (1840) (*in colors*) . . . . *facing* 4

Principal Routes of Trade and Migration (1840–1850) (*in colors*) . . . . . " 18

Oregon Trail and Other Western Routes (1832–1842) (*in colors*) . . . . . " 36

Oregon Controversy (1792–1846) (*in colors*)
Maine Boundary Controversy (1782–1842) (*in colors*) . . . . . " 72

Texas Controversy and Territorial Adjustment (1836–1850) (*in colors*) . . . " 104

Mountain Passes and Overland Routes (1841–1850) . . . . . " 230

Map Illustrating the Mexican War (1846–1848) . . . . . " 244

Presidential Election, 1844
Presidential Election, 1848 . . . . . " 282

Test Vote on the Compromise of 1850 in the House of Representatives (September 6, 1850) . . . . . " 328

EDITOR'S INTRODUCTION

FEW periods in American history are so replete with problems, contested questions and difficult adjustments, as that of Professor Garrison's volume, which extends from 1841 to 1850. Its predecessor in the political narrative of the series is MacDonald's *Jacksonian Democracy* (*American Nation*, Vol. XV.); in its discussion of the questions immediately arising out of slavery, it follows after Hart, *Slavery and Abolition* (Vol. XVI.), one chapter of which (xx.), makes a political connection between the volumes preceding and following.

In his two first chapters the author considers the spirit of expansion and the three directions—Texas, Oregon, and California—in which extension of the republic seemed possible. In chapters iii. and iv., he disposes of the political questions of Tyler's administration, and in chapter v. of the Maine boundary; then in chapters vi. to x., the annexation of Texas is carefully followed from the independence of that republic, in 1836, to its incorporation into the Union in 1846. Chapter xi. describes the adjustment of the Oregon question, and the consequent formal recognition of the fact that the United States

was a Pacific power. Another chapter, xii., describes the fiscal legislation of Polk's administration. In three chapters, xiii. to xv., the causes, progress and outcome of the Mexican War are discussed. Chapter xviii. is on Isthmian Diplomacy and the beginnings of a Panama Canal policy. Chapters xvi., xvii., xix. and xx. survey the territorial adjustment made necessary by the annexation of New Mexico and California, and the consequent Compromise of 1850.

Within this stirring period are such hotly contested questions as the responsibility for the breach between Tyler and the Whigs; the real boundaries of Texas under Spanish and Mexican rule; the progress of negotiation for the annexation of Texas; a very important discussion of the Slidell Mission of 1845; the responsibility for the Mexican War; and the origin of the Wilmot Proviso. Upon all these questions, Professor Garrison brings to bear the results of the most recent scholarship, especially of that band of active investigators in the archives of Texas and Mexico, of whom Professor Garrison is one. Differing in many ways from the conventional view of the period, the author fortifies himself at every step with specific references to sources; and his conclusions are likely to be accepted by the future historian as reasonably explaining both the annexation of Texas and the Mexican War.

WESTWARD EXTENSION

AUTHOR'S PREFACE

IN this volume it has been my principal aim to describe the expansion of the United States westward from the Louisiana Purchase to the Pacific Ocean, in such a way as to indicate the real forces which gave it impulse, and how they actually worked; and especially to show how it was affected by, and how it reacted upon, the contemporaneous sectionalizing movement which finally ended in the Civil War.

The task has not been easy; for in the use of most of the available material it is necessary to make allowance for the point of view. The historian can never forget that his function lies not simply in reproducing the distorted pictures left by contemporaneous politicians, or even poets and philosophers, but in correcting them. The truth at its best will be bad enough, and good enough at its worst. Nothing more nor less can enter into the ideal of the conscientious writer with a just conception of his office; he must "paint the thing as he sees it," but ever mindful that the permanent value of his work lies in presenting "things as they are." There is no period of American history that requires more in-

sight to understand the whole complex of historical facts and relations, or more artistic power to body it forth in faithful and impressive coloring. But such qualities are rare, and the standards are by no means invariable.

I wish to make grateful acknowledgment to President David F. Houston and Professors William J. Battle and Lindley M. Keasbey of the University of Texas, and especially to the editor of this series, Professor Albert Bushnell Hart, for valuable criticisms and suggestions; to Judge Bethel Coopwood of San Antonio, Texas, for the tracing from which the map of Spanish Texas was engraved; to Dr. Jesse S. Reeves of Richmond, Indiana, for copies of the unprinted passages of the Slidell correspondence; and to Dr. James W. Fertig, Secretary of the Chicago Historical Society, for a type-written copy of that most essential document for the study of the period with which I have had to deal, Polk's diary.

GEORGE PIERCE GARRISON.

WESTWARD EXTENSION

CHAPTER I

THE EXPANSION MOVEMENT

(1790–1841)

THE dominant movement with which this volume deals is territorial expansion. That movement began with the planting of the English colonies in America, and continued with resistless energy, even after the mighty push of imperial Britain was no longer felt. Conquering, purchasing, and compromising, the Anglo-Americans extended their dominions to the shores of the Gulf and the summit of the Rockies; and finally, during the years 1841–1850, came the great impulse which carried the boundaries of the United States to the Rio Grande and to the Pacific.

To suppose that this expansion was due simply to a desire for territorial aggrandizement and increase of territory is to misinterpret all American history: without some other impulse, the movement could never have shown such energy and persist-

ence; it has been effective and successful because supported by an adventurous and aggressive people. Though the explorer has often penetrated deep into the unbroken wilderness, the colonist has never been too far behind to hear his call, and in due course of time to answer. The American population, to this day hardly anywhere so overcrowded as to press on the means of subsistence, has always been restless and shifting. A speculative sense of near chances has sent the pioneer wandering through trackless wastes, and planted the settler's cabin far beyond the reach of neighbors. The gigantic strides with which the political boundary has moved westward have not been sufficient to keep it always beyond the advancing line of settlement, and the pioneer has shown it little respect. Whether following the flag or pushing on in advance of it, the population of the United States has moved steadily towards the West.

This forward movement of the people has been of fundamental importance in American history. It has worked more potently than all things else for the establishment of true nationality in the United States, and for the shaping of a national character,[1] and they for whom it is obscured by party struggles or the conduct of administrations fail to understand

[1] Cf. Turner, "Significance of the Frontier in American History" (Am. Hist. Assoc., *Report*, 1893, pp. 199–227); Wilson, "The Proper Perspective of American History" (*Forum*, XIX., 544–559).

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Leon
San Jose
COSTA RICA
NEW GRENADA
CENTRAL AMERICA
SOUTH AMERICA
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GULF OF MEXICO
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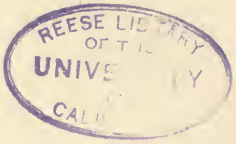
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the real experience out of which this character has grown.

Certain aspects of the movement deserve special attention. In the first place, its effect was strongly democratic. The planting of the English colonies established in the strip between the Alleghanies and the sea a civilization changed from its original in many respects, but still essentially English. The principal modification was due to the levelling results of settlement in wild lands. Distinctions of rank and privilege were mainly left behind, and immigrants to America shared almost a common lot. As time passed and the colonists prospered and accumulated wealth, there was a tendency in their social evolution back towards the complex English system. The advance into the West, however, brought a new levelling, and developed that intensified democracy which is one of the most essential characteristics of the American.

In the second place, the westward flow of population was marked by a natural selection of the more adventurous and energetic, who went forward to take the risks and endure the hardships of the pioneer. The West was filled with a self-reliant and self-confident people whose radical tendencies must some day come in conflict, in the national councils, with the conservatism of the East.[1]

Furthermore, the movement until 1830 was almost entirely Anglo-American. From 1821 to 1830

[1] Cf. Turner, *New West* (*Am. Nation*, XIV.), chap. vii.

all the arrivals at American ports, both of immigrants and visitors, were less than one hundred and fifty thousand;[1] and while no exact figures are available for the years 1775–1820, the total was relatively small. The institutions which had been inherited from England were therefore carried into the West by Americans of British descent, and were well established before the great flow of European immigration started.

The various energies, some of them highly incompatible, of which the great wave of expansion during the forties was the effect, were so complex and so difficult to measure that it is by no means easy to understand or to state them. Throughout the whole undoubtedly worked, with decisive influence, the "old land hunger" of the race; but it was modified in many ways.[2] The net result was to weaken the impulse but not seriously to check the movement, of which the real strength was shown by its vast effects, in spite of the handicap laid on it by the conditions.

The spirit of the age worked strongly for the movement. For more than half a century Europe had been in a state of social and political ferment, and if America was less profoundly stirred it was only because there was not here the same necessity for revolution. The apathy in which the masses of the fourth estate had lain so long, especially on the

[1] U. S. Industrial Commission, *Report*, XV., 267 (1901).
[2] Cf. Brown, *Lower South in History*, 74–77.

Continent, was at an end; they had finally been roused to self-consciousness, and had undertaken a desperate struggle against the tyranny of privilege. As their hopes and aspirations grew, they naturally began to look to the United States, where monopoly had not completed the work of exploitation, and caste had not barred the career of the poor and humbly born.

The Americans themselves were under the influence of a still stronger aversion to privilege, and were beginning to grow impatient of its surviving forms in the United States. In Rhode Island this feeling manifested itself in the Dorr Rebellion of 1842, a popular movement against the narrow limitation of the suffrage by the charter of the colony, which had been preserved as the constitution of the state. The movement took on a revolutionary aspect, and at one time there was a collision threatened between two rival organizations, each claiming to be the government of the state; but when President Tyler indicated his determination to support that which had been established on the pre-existing constitution, the insurrection collapsed. The result, however, was a new constitution, with more liberal provisions as to suffrage.[1]

In New York the same spirit was apparent in the Anti-Rent agitation, a series of disturbances which lasted from 1839 to 1847, growing out of efforts to

[1] Richardson, *Messages and Papers*, IV., 283–307; the best monograph is Mowry, *Dorr War*.

enforce the rights of certain heirs under a system of perpetual leases derived from the Dutch patroons. These disorders were not promptly suppressed, because popular sympathy was with their promoters; and the perpetual leases were at length displaced by tenures in fee-simple.[1]

There was an easy escape from these conditions, and it serves to explain the westward impulse. More freedom and better opportunity were always to be found "a little further on"; and the grand march of home-seekers swept over the Alleghanies and even the Rockies, ending only at the Pacific coast.

Immigration from Europe began to increase rapidly after 1830, and it was especially large during the years 1846–1848, which were marked by famine in Ireland and revolution on the Continent. From 1845 to 1850 the average annual influx was about three hundred thousand. The immigrants distributed themselves mainly in Massachusetts, New York, and Pennsylvania; but a large number, especially of Germans, were already entering the country north of the Ohio and the upper part of the Mississippi Valley.[2]

The total area of the United States in 1840 was about eighteen hundred thousand square miles, of which the settled part, with as many as two in-

[1] Cheyney, *Anti-Rent Agitation in the State of New York* (Univ. of Pa., *Publications*, No. 2).

[2] U. S. Seventh Census (1850), *Population*, xxxviii.

habitants to the square mile, was a little over eight hundred thousand. The frontier lay along the western border of Louisiana, Arkansas, and Missouri; excluded a narrow strip of northern Missouri, the upper third of the present area of Maine, and most of the peninsular part of Florida, and included the southeastern part of the territory of Iowa and the southern part of the territory of Wisconsin and of the state of Michigan.[1]

The total population in 1840 was 17,069,453, of whom 14,195,805 were white and 2,873,648 were negroes. The distribution was as follows: in the North Atlantic division, 6,618,758 whites and 142,324 negroes; in the South Atlantic, 2,327,982 whites and 1,597,317 negroes; in the North Central, exclusive of Missouri — which for the purposes of this enumeration should be grouped with the slave-holding states—2,938,307 whites and 29,533 negroes; and in the South Central, together with Missouri, 2,304,658 whites and 1,104,474 negroes.[2] Of the negroes in the slave-holding states, about three hundred thousand were free, of whom about seventy-five thousand were in Maryland and fifty-five thousand in Virginia.[3]

During the period 1790–1840 the centre of the entire population of the United States moved west-

[1] U. S. Twelfth Census (1900), *Statistical Atlas*, Plate 7.

[2] These figures are from U. S. Census Bureau, *Negroes in the United States* (Bulletin No. 8), 101–103.

[3] U. S. Seventh Census (1850), *Population*, xxxviii.

ward, keeping close to the parallel of 39°, from a point twenty-three miles east of Baltimore to a point sixteen miles south of Clarksburg in what is now West Virginia. Meanwhile the centre of negro population had moved southwestward from a point twenty-seven miles southeast of Petersburg, Virginia, to the neighborhood of Asheville, North Carolina. While the whites were pushing westward, the negroes were evidently moving towards the cotton and cane belt in the genial lowlands of the South.[1]

In 1840 only eight and a half per cent. of the total population lived in cities of eight thousand or more inhabitants. There were forty-four such cities, most of which, especially the more populous, were in the North Atlantic states. The slave-holding states contained thirteen. The states showing the largest concentration in cities, with approximate percentages, were Rhode Island, with 38; Louisiana, 30; Massachusetts, 27; Maryland, 22; New York, 20; Pennsylvania, 14; Delaware, 11. The cities having over one hundred thousand inhabitants, with their population in round numbers, were New York, 312,000; Philadelphia, 220,000; Baltimore, 102,000; and New Orleans, 102,000.[2] St. Louis had only a little more than 16,000, and Chicago less than 5000. The difference between the

[1] U. S. Twelfth Census (1900), *Statistical Atlas*, 37, and Plate 16; location estimated from data given in U. S. Census Bureau, *Negroes in the United States* (Bulletin No. 8), 24, 25.

[2] U. S. Seventh Census (1850), *Compendium*, 193.

industrial organization in the manufacturing and commercial North and that in the agricultural South is well illustrated by the relative excess of urban population in the former.[1]

The most important modification of the expansion movement was that due to the progress of sectionalization. Up to 1830 the drift of American political development was, on the whole, strongly nationalistic, because of certain permanent tendencies which exist among all progressive peoples and work for economic and political centralization. Improved means of intercommunication, the growth of the West, and the persistent and successful struggle for a satisfactory international status for the American Union had more or less completely overcome the particularism that was so strong before the War of 1812. After 1830, however, the states gradually separated into two great groups, a northern and a southern, with antagonistic interests and ideals, whose differences grew ever more pronounced and intense until the end was civil war.[2]

The causes of sectionalization were fundamentally economic. They consisted in diverse natural conditions which tended irresistibly towards the production of two radically different industrial systems and two inharmonious varieties of civilization.

[1] U. S. Twelfth Census (1900), *Statistical Atlas*, 40, and Plates 20, 22.

[2] Cf. Chadwick, *Causes of the Civil War* (*Am. Nation*, XIX.), chap. iii.

The effect of these conditions was that, while the North changed rapidly, the South continued relatively the same. At first both had slavery; but the North found it unprofitable and gave it up, while the South, where the climate and other conditions invited the use of slave labor, held on to it, and finally came to look upon it as an economic necessity. Both alike in the earlier stages of their history depended for subsistence mainly on agriculture; and in the South the extent of fertile land and the availability of slaves for its cultivation emphasized this dependence, and in this way served to hinder diversification of industries and even of crops; while in the North attention was rapidly diverted towards commerce and manufactures. Both alike, when independence was declared, and even when the Constitution was adopted, regarded the Union as a confederacy from which any state might withdraw if it desired to do so, and this view the South continued to hold afterwards — even to the extreme of secession and of civil war; but the North, seeing the advantage of the national machinery provided by the Constitution for the support of its policy and the promotion of its interests, was gradually led to use its growing strength through that machinery and thus to adopt the nationalistic attitude. Under such circumstances it was but natural for the weaker South, even if there had been far less historical justification for its attitude, to fall back on the defen-

sive theory of state rights. The political struggle which was the outcome of this alignment gave each section for the time a high degree of solidarity. Thus were the states of the North and those of the South gradually fused into two great opposing masses, and the Union became a house divided against itself.[1]

The main factor in the economic divergence of the sections was slavery. The effect of this institution in developing a local interest began to appear with the first efforts of the states to form a union. It caused the adoption of that peculiar basis of representation known as the "federal ratio," which became in the course of time a fruitful source of ill feeling between the North and South,[2] but which for the moment seemed the easiest and best means of dealing with a troublesome question. There can be little doubt that the standard histories of the United States have overemphasized the importance of the differences concerning slavery previous to Jackson's administration,[3] for these differences had not then become prominent and strenuous as in later days. Even

[1] Upon this vexed question, cf. Van Tyne, *Am. Revolution*, chap. xi.; McLaughlin, *Confederation and Constitution*, chap. xiv.; MacDonald, *Jacksonian Democracy*, chap. v. (*Am. Nation*, IX., X., XV.); cf., also, Lodge, *Daniel Webster*, 186 et seq.; Wilson, *Division and Reunion*, 47.

[2] *Cong. Globe*, 28 Cong., 2 Sess., App., 213, 343.

[3] Cf. Farrand, "Compromises of the Constitution" (*Am. Hist. Review*, IX., 479–489); Turner, *New West* (*Am. Nation*, XIV.), chap. x.

the sharp struggle which preceded the Missouri Compromise revealed tendencies towards a breach between the slave-holding and non-slave-holding states rather than any intense sectional hostility. But the final conflict between the sections had already been forecast by the invention of the cotton-gin. This gave the last great impulse to the tendency that was shaping the southern industrial system within narrow grooves. Thenceforth agriculture was the dominant occupation in the South, cotton far overshadowed all other products in importance, and slavery became securely intrenched where cotton-growing was profitable. As North and South diverged, the industrial conflict which accompanied the process of territorial expansion became steadily more "irrepressible"; nor was it unnatural that this conflict should react in such a way as to strengthen and intensify the sectional antagonism out of which it sprang.[1]

But the forces which were working for sectionalization become clearly evident only after a study of the rapid and thorough-going changes in the industrial system of the North. The abolition of slavery in the northern states is hardly to be regarded as a decided change; else it might have proved far more difficult to bring it about by legislative process. Slave labor could be made generally available and profitable only where its organization was rendered possible by the conditions

[1] Cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xxi.

under which the plantation flourished. Since it could not be used to advantage in the more varied industries of the North,[1] slavery had no depth of root in that section, and its disappearance marked no economic revolution. The real change was from the agricultural to the manufacturing and commercial system which marked the period subsequent to the War of 1812, and which was confined almost entirely to the North. The industrial differentiation between North and South, of which an incident was the movement against slavery north of Mason and Dixon's line, was now emphasized in a reverse way by the sectional development of manufacturing; the production of cotton goods refused to take root where cotton was grown, and where, as subsequent experience has shown, it has a natural place. In 1810 the total value of manufactured products for the slave-holding states was, in round numbers, $49,000,000, and for the states without slavery, $96,000,000;[2] the corresponding figures for 1840 are respectively $108,000,000 and $375,000,000; while for 1850 they are $168,000,000 and $845,000,000. These figures, taken in conjunction with the concentration of slavery in the South, are sufficient to show how rapidly the conditions were producing industrial sectionalization.[3]

[1] Cf. Hammond, *Cotton Industry*, 43–47.

[2] Compiled from figures in U. S. Twelfth Census (1900), VII., li., lii., foot-note.

[3] U. S. Seventh Census (1850), *Compendium*, 179.

The sectional antagonism which was the natural outgrowth of the different geographical distribution of two industrial systems contrasted in kind and inharmonious in interest, was soon stimulated by the adoption of the protective policy. Whatever reasons might be urged in support of protection to domestic manufactures, one aspect of it overshadowed, from the southern point of view, all others; and that was that the benefits were absorbed by the North, while the burden fell most heavily on the South. The first serious clash over the policy was that which led South Carolina to assert the right of nullification.[1] It was adjusted by a compromise, and the degree of protection which prevailed from that time to the eve of the Civil War was very moderate. This did not mean, however, that the economic differentiation of North and South had been checked; on the contrary, it continued with growing acceleration, as is shown by the figures stated above, indicating how much more rapidly manufactures developed in the North. In the making of textiles, from the outset, production by machinery displaced that by hand;[2] and during the decade 1840–1850 the same change took place to a large extent throughout the whole range of manufacturing;[3] and, as it progressed, so much the more rapidly did the manufacturing industries drift

[1] Cf. MacDonald, *Jacksonian Democracy* (*Am. Nation*, XV.), chap. ix.

[2] Taussig, *Tariff Hist.*, 22.

[3] U. S. Twelfth Census (1900), VII., liii.

northward and the economic interests of the sections grow diverse.

By the time that the last great wave of the westward movement was fairly under way, it was evident that the system of civilization in the North and that in the South were rapidly becoming too unlike to exist in the same nation. The nationalizing tendency must either be checked, or some of the more fundamental differences that were producing sectionalization must disappear. Even had there been no fugitive slaves and no territorial expansion, it would have been hard for the two sections, with such thoroughly divergent ideals, to join in working out a harmonious and consistent scheme of government. There can be no question of the hopeful honesty and sincerity with which the attempt was made by both sides. Never in the history of the world has the policy of mutual concession and compromise had a fairer and more patient trial than in the United States before the Civil War; the failure was sufficient to prove that a satisfactory adjustment was possible only if the Union remained on its original basis, to which the South so resolutely clung; but the preservation of such incompatible elements in the same political and social organization was rendered impracticable by the growth of nationality.

Every additional step in the progress of centralization made it more certain that the South would some day be forced to submit to the process

of that tribunal whose jurisdiction it had steadfastly denied—the federal government. Even territorial expansion, which was apparently the great cause of the continued anti-slavery agitation and of the sectional antagonism that was to end in civil war, was from another point of view the best evidence that the nationalizing energies at work in the United States were growing too strong to be overcome. The movement was, at any rate, decisive in its effect on the nationalistic tendency; but for the West, the North and South could hardly have failed to part in peace, and possibly forever.

The conditions, however, of the westward movement were such as to prevent it from affording a complete check to the sectionalization that was arraying the North and South against each other. The western population was by no means completely fused into a single mass with common aims and sympathies; it was distributed in parallel belts in which reappeared, though in much lighter shades, the characteristic differences of the older sections.[1] It is questionable whether slavery had any considerable effect in diverting either European or interstate migration from the South; in taking a westerly direction it only followed a natural tendency to move on parallels. The great highways of commerce and travel, which, so far as they were artificial, were due to the same general causes as

[1] For earlier phases of western development, see Turner, *New West* (*Am. Nation*, XIV.), chaps. v., vi.

the migration itself, extended mainly east and west, not north and south. Immigrants from New England and New York moved westward by the Erie Canal, those from Pennsylvania by the central railway and canal system from Philadelphia to Pittsburgh, and those from Maryland and Virginia by the National Road. Beyond the Alleghanies the principal available routes were the Great Lakes, the National Road, and the Ohio River. Immigrants from New England and the middle states were predominant in the Ohio Valley and along the Lakes; while the southern part of Ohio, Indiana, and Illinois, and the whole of Missouri were peopled mainly from the South.[1] The economic contrast, while not so sharp in the Mississippi Valley as on the Atlantic slope, was too serious to be disregarded by even the most thorough-going nationalist. Gradually the West also became sectionalized, and the expansionist impulse, with a divided people back of it, lost its unity and steadiness.

The growing influx from Europe stimulated the westward movement in the North, and the free states were soon filled with a teeming population that pressed against the frontier of slavery wherever it sought to expand. This it was that made free states also of California and of Kansas; and this that in the hour of the supreme test gave a new meaning to the Constitution, and cast the balance in favor of nationality.

[1] Turner, in *Am. Hist. Review*, XI., 309, 318.

As the conflict of interests between the North and South became evident, the question of the political balance became one of grave importance. That balance had been preserved by keeping even the number of slave-holding and non-slave-holding states in the Union. In 1841 there were thirteen of each, and the sections were thus equally represented in the Senate. But the territory available for the making of new states that would be likely to adopt slavery was almost exhausted, while in the northwest there remained a vast area from which additional free states could be formed. Besides other motives, therefore, which led the South to look beyond the southwestern boundary, was the desire to maintain the equilibrium in the Senate, and thus to provide a safeguard against legislation hostile to southern interests. It must be remembered, however, that the corresponding motive in the North worked against annexation.

The earlier stages of the expansion movement were marked by great political disorganization. Tyler, who began the movement for the annexation of Texas on the side of the United States by the negotiation of a treaty, became a "president without a party"; and the quarrel between himself and the Whigs threw them into confusion. The shelving of Van Buren, in 1844, because he opposed annexation, caused serious trouble also among the Democrats. It needs hardly to be said that all these disturbances had their effect in producing

friction and retarding the progress of the expansion movement.

The resistance to expansion from the powers whose territory or claims were involved varied widely. In the southwest it encountered weak and distracted Mexico, which could scarcely be regarded at that time as a nation at all; the chief difficulty in dealing with that country was the want of a standard to regulate national conduct towards a people so ill organized and yet so full of national pride, and towards a government so punctilious yet so irresponsible and so uncertain in its *personnel* and its policy, who made it a troublesome question where to fix the limit of forbearance. To the northwest, however, resistance came from Great Britain, strong, consolidated, and a devoted worshipper of her own god Terminus. In dealing with such a power, the problem was to find the proper mean between the policy of concession which would invite encroachment and that of quixotic self-assertion which might lead to an unnecessary war. The difference in the conditions of expansion southwestward and northwestward was in some degree reflected in the comparative size of the areas acquired respectively in those two directions.

CHAPTER II

THE FIELD FOR EXPANSION
(1800–1841)

AT the opening of the period covered by this volume there was still a large unsettled area within the acknowledged limits of the United States, especially towards the west and northwest. Only in the extreme southwest, and from Lake Erie eastward in the north, did the frontier press upon the political boundary. In the northeast there was an extensive district, comprising substantially that part of the upper valley of the St. John River west of a line drawn north from the source of the St. Croix, in dispute between Great Britain and the United States, and the dispute demanded settlement. This, however, was not because the adjacent population on either side was pressing towards the disputed section, but rather because the border friction of two aggressive nationalities, together with other causes of difference between them, threatened to bring about a war.

The open field was towards the west, and in that direction was the migratory impulse. The westward movement of population had already gone

far beyond the acknowledged boundary-line; not, indeed, by simply pushing forward over the unoccupied lands adjacent to the frontier, but by the establishment of remote colonies either in disputed or in foreign territory. Large numbers of Anglo-American emigrants went to Texas after the claim of the United States to that country was definitely given up in 1819; and a few made their way to the Mexican province of California, and more to Oregon, the possession of which was in dispute between the United States and Great Britain.

The Anglo-American movement into Texas began with a series of invasions, the first of which was organized at Natchez in 1800 by Philip Nolan. The party numbered twenty-one, and the leader gave out as the object of the enterprise a hunt for wild horses. Whatever less innocent projects he had in view, he was killed in the course of the expedition, and his men were captured by a Spanish force despatched from Nacogdoches for that purpose.[1] The cession of Louisiana soon afterwards was almost immediately followed by the Burr conspiracy, which was probably aimed at a seizure of Spanish territory.[2] Six years later, in 1812, came a much more serious filibustering expedition, which

[1] Garrison, *Texas*, 111–114; for Nolan's career in Texas and the history of his expedition, see "The Real Philip Nolan" (Miss. Hist. Soc., *Publications*, IV., 281–330); *Texas Almanac*, 1868, pp. 60–64; Yoakum, *Hist. of Texas*, I., 403–409.

[2] Channing, *Jeffersonian System* (*Am. Nation*, XII.), 157–160; McCaleb, *Aaron Burr Conspiracy*, vii.–ix., 1–15.

took advantage of a period of disturbance in Spanish America due to the Napoleonic occupation of Spain. This expedition was led by Augustus Magee, who had been a lieutenant in the United States army, and Bernardo Gutierrez, a Mexican Liberal, who had been driven from Mexico after the rising of Hidalgo. The filibusters, whose force at one time amounted to over three thousand, including eight hundred and fifty Anglo-Americans, captured Béxar (San Antonio) and held it for a time, but were ultimately defeated and dispersed.[1]

Another invasion, which followed in 1819, and which was due to dissatisfaction with the surrender of Texas by the treaty with Spain made in February of that year, was led by James Long, who had married a niece of General Wilkinson. It is quite likely that Wilkinson, who was a patron of Nolan, could have told much more about the motive of both Long's and Nolan's expeditions than ever went on record. However this may be, Long's invasion was hardly on a sufficient scale either to conquer or to revolutionize Texas. At its maximum, his force amounted to only about three hundred; and, though the Spanish hold on the province was feeble, it was not to be broken by such a handful of men. Long captured Nacogdoches and set up an independent republic, but it was soon dissolved by the advance of the Spanish troops, who captured part of his men and drove out the rest.

[1] See below, p. 25 *n.*

Two years later he rallied a small band and repeated his attack, but was again unsuccessful.[1]

In the same year with Long's invasion came the beginning of a movement for the peaceable occupation of Texas by colonists from the United States, under the leadership of Moses Austin, who lived in the district that was then seeking statehood under the name of Missouri. In 1819, after the conclusion of the treaty with Spain gave some assurance that Spanish grants to land in that province would be valid, Austin conceived the plan of obtaining such a grant and settling the land with Anglo-American immigrants. With the efficient help of his son Stephen he set about the work at once. At the cost of much patient effort and hardship the grant was obtained and the colony organized. Meanwhile Moses Austin died in 1821, and the completion of the enterprise devolved wholly upon his son; but there have been few men better fitted for such work than he. In the face of innumerable difficulties and discouragements he pushed it to final success. Other *empresarios* joined in the movement, and the colonists were soon in practical possession of the country as far west as the Guadalupe River. A century of feeble and desultory effort at colonization by the Spaniards had brought

[1] For the Gutierrez-Magee and the Long invasions, see Bancroft, *North Mex. States and Texas*, II., 19–32; McCaleb, "The First Period of the Gutierrez-Magee Expedition" (Texas State Hist. Assoc., *Quarterly*, IV., 218–229); Foote, *Texas and the Texans*, I., 201 et seq.

to Texas a white population of less than three thousand; but in less than seven years there came four times that many colonists from the United States.[1] This overwhelming and still increasing majority of aggressive and determined Anglo-American pioneers had almost nothing in common with the Mexicans, and there could be no doubt that the future had a revolution in store for Texas.[2]

This successful colonization of Texas was to a large degree the result of the mistaken policy of Mexico herself. In 1821, when the work was just beginning, she became independent of Spain; and, in the enthusiasm of which she soon became possessed for the republican propaganda, she imagined that there must be sympathy between her own people and those of the United States. Austin's grant was confirmed on terms more liberal than the petition for it embodied.[3] Moses Austin, whose contract was transferred to Stephen, requested a section of land for each head of a family, while the amount actually given was practically a *sitio* and *labor*, or more than seven times as much.[4] The same amount was given each head of a family in the grants to other *empresarios*. One scarcely knows whether to wonder most at the spendthrift

[1] Bancroft, *North Mex. States and Texas*, II., 76.

[2] For a summary of the history of Austin's colony, see his statement to the settlers, November 1, 1829, in Gammel, *Laws of Texas*, I., 3–25.

[3] Gammel, *Laws of Texas*, I., 31.

[4] A *sitio*, or square league, contains 4428.4 acres; a *labor* is one-twenty-fifth of a *sitio*.

policy of the Mexican government, its low estimate of Texas lands, or its intense desire for immigrants.

It was not long, however, until some of the Mexican leaders began to see the danger of colonizing Texas with a population which Mexico could not assimilate; and they undertook to stop it. The first step was the promulgation by President Guerrero, September 15, 1829, of a decree abolishing slavery in Mexico. This measure was due to the influence of J. M. Tornel, a member of the Mexican house of deputies, who intended it to establish a barrier between the United States and Mexico.[1] It caused a storm of protest from Texas, which resulted in the exception of that department by a further decree of December 2, 1829.[2] But Lucas Alamán, Mexican minister of foreign and internal affairs, reported to the national congress the project of a law to suspend the grants to colonists from the United States and stop the immigration.[3] The law was enacted on April 6, 1830, and provision was made for the military occupation of Texas in order to enforce it.[4] The attempt at enforcement failed, but the friction thus caused served to hasten

[1] Tornel, *Breve Reseña Histórica*, 85.

[2] Translation in *The Texas Gazette*, January 30, 1830; quoted in full by L. G. Bugbee, in *Pol. Sci. Quarterly*, XIII., 656; cf. *Niles' Register*, XXXVIII., 291.

[3] Filisola, *Memorias para la Historia de la Guerra de Tejas*, II., 590–612; poorly translated into English in *House Exec. Docs.* 25 Cong., 2 Sess., XII., 351, pp. 312–322.

[4] Dublán y Lozano, *Legislación Mexicana*, II., 238–240; Filisola, *Memorias*, etc., I., 158–165.

the revolution by which Mexico lost Texas altogether.

The first serious evidence of the growth of this friction was a rising of the colonists which occurred in 1832, in the course of which all the Mexican troops were ejected from Texas. A struggle between the Mexican Liberals and the Centralists was going on contemporaneously; and by giving the insurrection the guise of a movement on behalf of the Liberals, who proved for the time successful, the Texans avoided the appearance of rebellion against the national government. They followed it up by an effort to obtain separate statehood for Texas, which had been joined with Coahuila to compose a single state of the Mexican federation, but their petition was not granted. Then came another wave of centralization in Mexico to which, by the middle of May, 1835, every district of the federation except Texas succumbed. The resistance of Texas led to a revolution, which passed in its development through two distinct phases. It took on first the aspect of a defence of the Mexican constitution by the Texans, in co-operation with the Mexican Liberals and against the encroachments of the Centralists; but early in the year 1836 it changed to a struggle for absolute independence for Texas, which ended with the defeat of the Mexicans at San Jacinto, April 21, 1836.

The constitution adopted by the republic of Texas, March 17, 1836, included a provision legal-

izing slavery. Considering that the colonists were mainly from the slave-holding states, that many of them were actually slave-holders, and that a considerable number of slaves was already in the country, nothing else was to have been expected. It is, however, a mistake to suppose that the Texan constitution established slavery on what had been free soil, as may be made clear by a brief summary of the Mexican legislation on the subject. The first measure affecting the institution was the general colonization law of January 4, 1823, under which Austin's colony was established, which (article 30) provided that slaves introduced into Mexico should not be bought or sold; and that children born of slaves in that country should be free at fourteen years of age. The second enactment was a decree of the Mexican congress, adopted July 13, 1824, prohibiting the slave-trade in Mexico; but the prohibition does not seem to have been understood as preventing colonists from bringing their slaves with them. The national constitution of Mexico adopted in 1824 and continuing in force up to the time of the Texas revolution contained no provision on the subject; but the constitution of Coahuila and Texas, which was promulgated March 11, 1827, provided (article 13) that thenceforth no one should be born a slave in the state, and that after six months the introduction of slaves should be altogether forbidden. A decree, however, of the congress of the state, May 5, 1828, provided for the

introduction of slaves under peonage contracts which left their condition practically unchanged. Guerrero's decree and the exception of Texas have already been noted.[1] Taking all this together, it appears that slavery had not been abolished in Texas, but that its gradual extinction had been provided for; that slaves were not to be introduced as such; and that in Austin's colony—the only one that was controlled by the law of January 4, 1823—they were not to be bought and sold. The constitution of the republic of Texas annulled all this ameliorative legislation and provided for the permanence of slavery, but did not establish it.

There is a prevalent and persistent misinterpretation of American history which sees in the colonization of Texas and the resulting revolution and annexation a deliberate plan to extend the slave-holding area. The whole southwestward movement, and especially the latter phases of it, have been charged to "conspiracy."[2] This charge turns partly upon the meaning of words. In the crisis of the contest over slavery, as in any great conflict relative to the rights of man, it may be difficult to

[1] On the general subject, see Bugbee, "Slavery in Early Texas," in *Pol. Sci. Quarterly*, XIII., 389–412, 648–668; Gammel, *Laws of Texas*, I., 30, 213, 424; Dublán y Lozano, *Legislación Mexicana*, I., 710.

[2] Jay, *Review of the Causes and Consequences of the Mexican War*, 10, 11, 18; Schouler, *United States*, IV., 250; Mayo, *Political Sketches of Eight Years in Washington*, 117–178. For a most extravagant form of this idea, see Adams, *Memoirs*, XI., 246.

draw the line between conspiracy and confidential political planning; the color of the term "conspiracy" is derived from evil intention. To those who credit the southern leaders during the period from 1830 to 1860 with sincere belief in the righteousness of slavery they will not be conspirators; to those who do not concede them such sincerity the charge will seem just. The fact, however, which makes the "conspiracy" theory completely illogical is that the political leaders in the slave states were not united in support of the southwestward movement, nor those in the free states against it. The truth is that the interests of slavery and of southwestward expansion were never fully identified.[1]

The "conspiracy" accusation can be best seen in its proper light by a study of the beginnings of the movement into Texas, which entirely disprove the idea that the colonists who followed Austin, De Witt, and others to Texas, or that even the *empresarios* themselves, went thither to establish slavery in that country, or that the Texas revolution was brought about primarily by influences working from the United States. The motives of Austin, who was the main agent in the colonizing work, are easily to be ascertained from the mass of documents he left;[2] he did not concern himself

[1] See below, pp. 120, 137, 153, 201. Cf. Bourne, in *Am. Hist. Review*, V., 496.

[2] See, *e. g.*, his statement printed in Gammel, *Laws of Texas*, I., 4, 5.

about slavery in his enterprise one way or the other; he opposed the Mexican legislation adverse to slavery—unforeseen when the colony was planned—only because he was afraid it would retard the growth of his settlements. The suggestion of a separation from Mexico he repudiated even during his imprisonment by the Mexican government in 1834;[1] and it was only after the war of the Texas revolution had been nearly three months in progress that he consented to the declaration of independence for Texas. Personally, as might have been expected from his antecedents, he was at first opposed to slavery, and he did not change his views till the eve of the revolution. In the face of all this, it is idle to say that he was moved by any desire for the expansion of slavery; and, as to his colonists, the possibility of their having been agents, conscious or unconscious, in carrying out any plan to that end is wholly unsupported by the facts.[2]

Nor was the Texas revolution due to a conspiracy of the slave-holders in the United States. That element, while by no means uniformly favoring the movement, undoubtedly sympathized with

[1] See Austin's "Prison Journal" (Tex. State Hist. Assoc., *Quarterly*, II., 183–210), entries for February 20, 22.

[2] Bugbee, in *Pol. Sci. Quarterly*, XIII., 665; Barker, in Tex. State Hist. Assoc., *Quarterly*, II., 319; Von Holst, *United States*, II., 553, is difficult to reconcile with what he says concerning Long's expedition, *ibid.*, 551. See also the *Nation*, LXXVII., 133.

it on the whole and did much to aid it, but did not bring it on. It was due not to Sam Houston nor to Andrew Jackson nor to the slave-holders, but was itself an "irrepressible conflict" between two incompatible varieties of civilization, and its nature was in no way changed by its effect upon the larger conflict of a similar kind then going on in the United States. The contemporaneous documents explain it well, and he who takes the trouble to read them will find no room for the theory of a conspiracy.[1]

After the revolution of 1836 Texas remained an independent sovereignty until annexed by the United States in 1845. Mexico refused to acknowledge the independence of the lost province, but made no serious effort to reconquer it. The conflict between them could no longer be properly called a war, but degenerated into a series of petty raids which served only to keep up the mutual irritation. The failure of its effort to secure annexation by the United States left Texas to provide for itself; and during the administration of President Lamar, 1838–1841, its affairs reached their lowest ebb. Without money or credit, and with practically no resources except its public lands, annoyed by Indian depredations, and threatened with in-

[1] See John Quincy Adams, *Speech on the Right of Petition*, June 16–July 7, 1838, p. 107. Cf. Von Holst, *United States*, II., 554. A series of contemporary documents collected by Eugene C. Barker will be found in Southern Hist. Assoc., *Publications*, VII.–IX.

vasion by Mexico, the young republic looked as if it could not stand alone much longer, but must seek the help of some great power to bear its burdens and give protection. There was never any real danger of its reconquest by Mexico; for its men were fighters who could at least defend their homes; and there were many more of them than when they had beaten the Mexicans so thoroughly in 1836. Best of all, there was in the Texans, in spite of their poverty and uninviting prospects, an indomitable spirit of self-reliance and aspiration. During this period was laid, by legislative enactment, the foundation of the public educational system without which the Texas of to-day would be as though it were not.

The country known as Oregon in the forties was called, when it first began to attract the notice of Americans, simply Columbia River. The river itself, which was the most important physical feature of the region, bore on the earlier maps showing it the name "River of the West" in its lower part and "Oregan" in the upper,[1] and was christened the Columbia in 1792 by Captain Robert Gray, who entered its mouth with a trading-ship from Boston and named it for his vessel.[2] The popularization of the name Oregon must have been due to its occurrence in Bryant's "Thanatopsis"; and the first use of

[1] See maps of Carver, Cooke, and Payne, in Bancroft, *Oregon*, I., 20–24.

[2] Cf. Turner, *Rise of the New West* (*Am. Nation*, XIV.), chap. viii.

it as applied to the whole district that has yet been brought to light was in a bill introduced in Congress by John Floyd of Virginia, January 18, 1822.[1]

In the earlier stages of the history of Oregon its boundaries were indefinite, and within it overlapped the claims of Spain and Russia, as well as those of England and the United States. Its limits, however, were at length fixed by a series of treaties, which also greatly simplified the struggle for possession. By the treaty of 1819 Spain surrendered all claims north of 42° to the United States; and a convention concluded by the United States with Russia in 1824 extinguished the Russian claims south of 54° 40′.[2] This left the country bounded by the parallels of 42°, and that of 54° 40′, the Pacific Ocean, and the Rocky Mountains — the then western boundary of the Louisiana Purchase north of 42° — to be contended for solely by Great Britain and the United States. Most of it was included in the basin of the Columbia River, but a considerable portion lay in that of the Fraser River, northwest of the Columbia Valley; and the district contained some relatively small areas not belonging to either river system.

The first settlement in the interior of Oregon was Fort McLeod, established by the Northwest Com-

[1] *Niles' Register*, XXI., 350. The name is printed in the *Register* as "Origon." Cf. Bourne, in Oregon Hist. Soc., *Quarterly*, VI., 264–266.

[2] Turner, *New West* (*Am. Nation*, XIV.), 209.

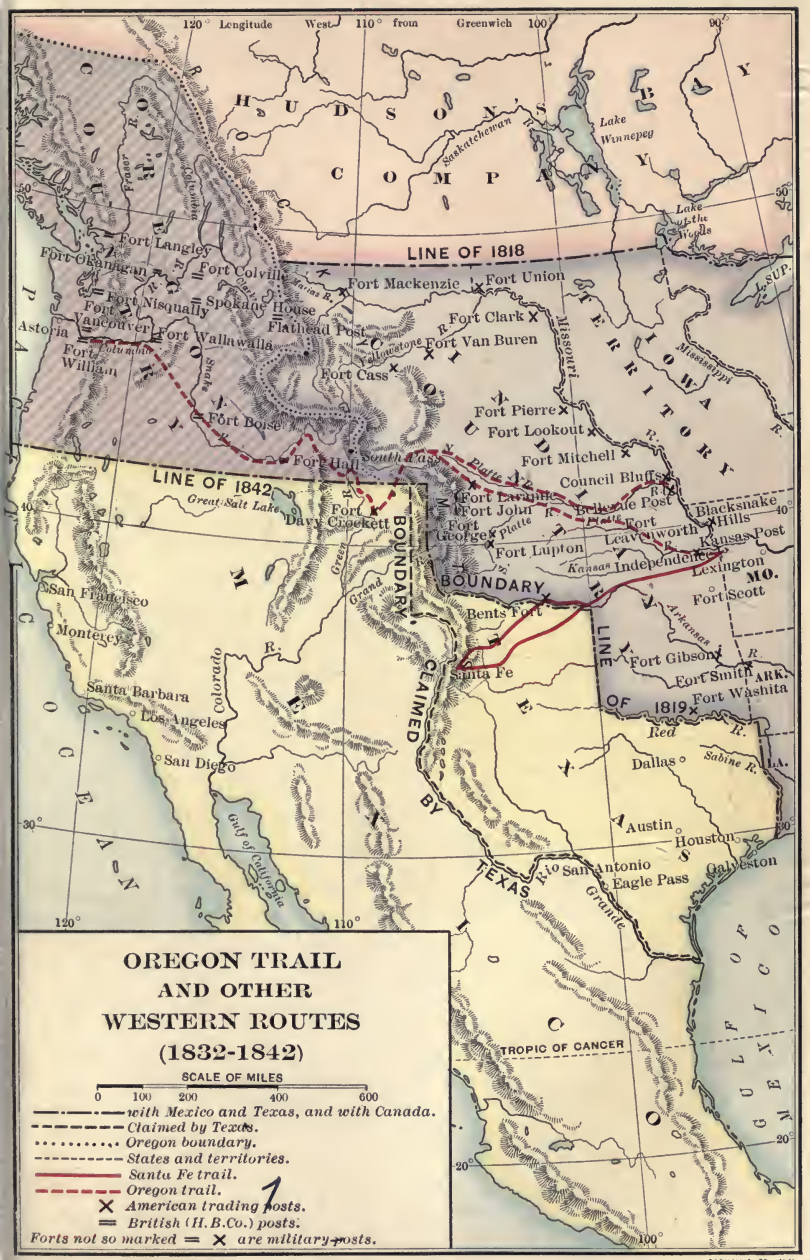
pany of Canada in the upper valley of the Fraser River in 1805.[1] The first in the Columbia Valley was Fort Henry, which was located on the north fork of Snake River by an agent of the Missouri Fur Company managed from St. Louis, but which seems to have been occupied only during the years 1809, 1810.[2] That region was far away from the commercial centres of the United States; the fur-trade, profitable though it might be, was attended with many risks; and the merchants of the Atlantic ports were more inclined to push the trade by sea than by land. But the whole interior from the Columbia northward was soon dotted with the trading-posts of the British.

The first important settlement made by citizens of the United States in Oregon was Astoria, a post on the left bank of the Columbia River near its mouth, established in 1811 by the Pacific Fur Company, at the head of which was John Jacob Astor of New York. It was his intention that the post should serve as a depot for a trade overland to the Columbia and thence to Canton.[3] During the War of 1812 it was surrendered to the British. In 1818, in accordance with the terms of the treaty of Ghent, it was restored to the United States, the occupa-

[1] Bancroft, *Northwest Coast*, II., 87; the early explorations and claims will be discussed below, chap. xi.

[2] Greenhow, *Oregon and Cal.*, 292; De Bow, *Industrial Resources*, III., 516. Of course, Fort Clatsop, where Lewis and Clark wintered in 1805–1806, is to be excepted.

[3] Bancroft, *Northwest Coast*, I., 376.



OREGON TRAIL AND OTHER WESTERN ROUTES (1832-1842)

SCALE OF MILES
0 100 200 400 600

——·——·—— with Mexico and Texas, and with Canada.
– – – – – Claimed by Texas.
····· Oregon boundary.
---------- States and territories.
——— Santa Fe trail.
– – – – – Oregon trail.
× American trading posts.
= British (H.B.Co.) posts.
Forts not so marked = × are military posts.

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tion going not to Astor, but to the Northwest Company, to which it had been sold just before its capture.

By the treaty of 1818 the territory of Oregon was open to occupation either by citizens of Great Britain or by those of the United States;[1] but the tide of immigration from the United States proved hard to set in motion. Oregon was far away and difficult of access; no liberal grants of land attracted colonists thither; and the policy of the Hudson Bay Company, which was exceedingly jealous of its commercial monopoly, and which intended that the country should finally be settled by the British, served to retard the movement. For many years earnest but unsuccessful efforts were made by men like John Floyd of Virginia and Francis Baylies of Massachusetts, in the lower house of Congress, and Linn and Benton of Missouri, in the Senate, to arouse popular enthusiasm and to secure legal measures for the occupation of the country.[2] Among the influences working against them were the opposition of the American fur companies and the fear that Oregon, if acquired, might ultimately separate from the Union.

During the earlier period of the history of Oregon the slender communication with that district went

[1] See below, p. 160

[2] *Annals of Cong.*, 17 Cong., 2 Sess., 413–422, 682; Adams, *Memoirs*, VI., 239; Benton, *Thirty Years' View*, I., 50–54, 109. Cf. Bourne, "Aspects of Oregon History Before 1840" (Oregon Hist. Soc., *Quarterly*, VI., 255–275).

around the Horn, twelve thousand miles by sea. In 1832, Nathaniel J. Wyeth of Cambridge, Massachusetts, went to Oregon overland, making use of knowledge of routes gained from the expeditions of Pike, Bonneville, Smith, and others,[1] and of the information of trappers. Wyeth was not the first to find the short road *via* Fort Hall, but he was the first to show that it was an easy road, practicable even for wagons.[2]

The real colonization of Oregon began with the sending-out of missionaries, in response to the request of the Indians of the upper Columbia themselves, by the Mission Board of the Methodist Episcopal Church. Those sent were two ministers, Jason Lee and his nephew, Daniel Lee; two lay missionaries, Cyrus Shepard and Philip L. Edwards; and one assistant, Courtney M. Walker, whose business was to be purely secular. They attached themselves to the second expedition led by Wyeth to Oregon, which started in 1834; and on their arrival in that country they established themselves on French Prairie, beside the Willamette River, at some distance above a settlement known as Champoeg, made by French Canadians who had retired from the service of the Hudson Bay Company.[3] In 1836 two Presbyterian missions were founded, one at Waiilatpu, on the Walla Walla River, and one

[1] Cf. Turner, *New West* (*Am. Nation*, XIV.), chap. viii.

[2] Victor, *River of the West*, 268; Adams, *Memoirs*, VI., 250, 428.

[3] Bancroft, *Oregon*, I., 66.

on Lapwai Creek near its confluence with Clearwater River.[1] The group of mission workers in this quarter included Rev. Samuel Parker, Rev. H. H. Spalding, a secular assistant named William H. Gray, and a physician, Marcus Whitman, who carried the first wagon over the divide of the Rockies, and whom a most interesting but wholly unfounded myth has credited with saving Oregon from the English.[2]

Information concerning Oregon now began to be spread broadcast through letters, through the lectures and interviews of those who had returned to the East, through the report of W. A. Slacum, who was sent out as an agent of the United States government in 1836, and through Irving's *Astoria* and *Adventures of Captain Bonneville*.[3] This stimulated further immigration. The missions were strengthened by reinforcements; and along with the missionaries, and sometimes separately, began to arrive parties of settlers, though for several years few and small. The total number of immigrants up to the end of 1841 was perhaps no more than four hundred;[4] but the way had been opened and an advance was begun which was sure to be followed up.

[1] Gray, *Oregon*, 166.

[2] *Ibid.*, 115–118; Bourne, "The Legend of Marcus Whitman" (*Am. Hist. Review*, VI., 276–300); revised in Bourne *Essays in Historical Criticism*, 3–109; the other side, in Mowry, *Marcus Whitman*.

[3] Young, in Oregon Hist. Soc., *Quarterly*, I., 356; Hines, *Hist. Oregon Mission*, 37.

[4] Young, in Oregon Hist. Soc., *Quarterly*, I., 370.

The agitation concerning Oregon, to which the United States had claims, served to direct attention also towards the adjacent territory of California, to which it had none. The desirability that the United States should control that part of the Pacific coast, both for the sake of its trade and in order to exclude other nations, obtained secure lodgment in the minds of Democratic political leaders and made them anxious to obtain possession of the good bay of San Francisco. In the mind of one especially, James K. Polk, this idea worked out most important results.[1]

Up to 1841 the relations of the United States with California depended on commerce, which was carried on partly by sea around Cape Horn and partly overland through Santa Fé. The trade by sea may be dated practically from the visit of the ship *Otter* from Boston to California in 1796.[2] The beginning of that by land followed hard upon the path-breaking work of Jedediah S. Smith, who in 1826 made the first overland journey into the country.[3] In 1841 some twenty trading-vessels brought to California goods, including wine, shoes, cloth of various kinds, tea, coffee, etc., to the value of about one hundred thousand dollars. The main exports were hides, horns, tallow, and furs.[4]

[1] Cf. Bourne, in Oregon Hist. Soc., *Quarterly*, VI., 27.
[2] Bancroft, *California*, I., 539. [3] *Ibid.*, III., 152.
[4] *Ibid.*, IV., 209, and foot-notes; Dana, *Two Years Before the Mast*, 85, 324.

The Spanish government in California was most uncertain and inefficient in its working, and conditions were not materially improved after Mexico became independent.[1] The central government in the city of Mexico was passing through almost constant revolutions, and was either too weak or too busy to look well after the affairs of its distant territories on the north. California was therefore left, for the most part, to take care of itself; and the hold of Mexico on that part of her dominions was exceedingly slight. The situation was still further complicated by the inauguration in 1831 of a series of disturbances in that distant province, revolutionary in their nature and effect, and in part due to jealousy of the central government, the results of which were usually accepted by that government, because it saw no better way to get rid of the trouble. These disturbances continued until they were ended by the conquest of California by the United States in 1846.[2] The local government itself was little better in respect to its efficiency than the national; that life and property were in any degree safe was due rather to the want of criminal propensities among the Mexicans than to the enforcement of law.[3]

Richard Henry Dana noted in 1835 that Englishmen and Americans were "fast filling up the prin-

[1] Bancroft, *California*, II., 675.
[2] Royce, *California*, 19–30.
[3] Dana, *Two Years Before the Mast*, 196–198; Royce, *California*, 30.

cipal towns" of California.[1] In 1841 there was a white population in the department of some six thousand.[2] Of these about three hundred and eighty were foreign immigrants.[3] As a matter of fact, the movement to California was not yet fairly begun. The Anglo-Americans had already freed Texas from Mexico and stood waiting to deliver it to the United States; but if California was to be had, it must be taken.

[1] Dana, *Two Years Before the Mast*, 91, 200.
[2] Royce, *California*, 20. [3] Bancroft, *California*, IV., 117.

CHAPTER III

ELECTION OF 1840
(1839–1840)

THE political alignment that separated the mass of voters in the United States in 1840 into "Democrats" and "Whigs" dates from the presidency of Andrew Jackson. Under his dominating influence there developed a new system of political ideals and policies; and meanwhile there grew up an opposing system, which seemed hardly to understand itself until it had won its first great victory. For twelve years Jacksonian Democracy controlled the government with vigorous self-assertion, till in 1840 the Whigs were at length in a position to challenge its supremacy.

The party divisions of the period (1824–1840) were essentially personal. The parties were no more than inchoate groups, all claiming to be of the same political household, but each looking to a different leader. While all claimed to be of Jefferson, one was of Adams, another of Clay, and another of Jackson. But to follow Jackson after he became president meant the adoption of a positive and aggressive policy and a set of principles which could

not be misunderstood. With the Whigs, however, the common bond was not in their uniformity of political faith, but in their opposition to Jackson, which was carried over to Van Buren as "following in the footsteps of his illustrious predecessor."[1] The name of the party was given it by James Watson Webb, in 1834, through his newspaper, the New York *Courier and Enquirer*, and it was intended to suggest opposition to the encroachments of the executive. A more accurate name would have been the Anti-Jackson party. It included Adams Republicans, Nullifiers, Anti-Masons, and every element, in fact, that could be rallied to the attack on Jackson or Van Buren.[2]

The presidential campaign of 1840 was opened by the Whig national convention at Harrisburg, December 4, 1839.[3] Clay was the most prominent and efficient among the leaders of that party, and would have been its logical candidate; but there were objections to him on the score of availability. He was a free-mason and an avowed protectionist, and it was feared that he could not harmonize the elements which it was necessary to consolidate in order to defeat Van Buren. A man to whom the same objections did not exist, who had already been a prominent candidate for the presidency, and

[1] Cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xxi.

[2] Lalor, *Cyclopædia*, art. Whigs; cf. Tyler, *Tylers*, I., 477.

[3] Proceedings in *Niles' Register*, LVII., 248–252.

who had the prestige of military reputation, was found in General William Henry Harrison of Ohio, and he was finally nominated. This, however, was accomplished only after a series of votes by the separate state delegations and comparison of the results, in which Clay at first had 103 votes to 94 for Harrison and 57 for General Winfield Scott, but which ended with 148 for Harrison to 90 for Clay and 16 for Scott.[1] After the nomination had been made, a letter from Clay to the Kentucky delegates, received some days before, was read, in which he stated that appeals had been made to him to withdraw for the sake of harmony in the party; he considered the convention free to choose as it thought best, and promised that he would support the nominee. This pledge he redeemed in the canvass that followed.

The convention then proceeded to nominate a candidate for the vice-presidency, and John Tyler of Virginia received the votes of all the delegates except those of his own state, whom for delicacy's sake he had persuaded not to vote. Tyler was a pronounced state-rights man, who concurred heartily in Jackson's opposition to a national bank, and had put himself on record to that effect by his speeches and his votes. He had, however, become alienated from Jackson in 1833 by his strenuous anti-nullification policy, and from that time on he

[1] Stanwood, *Hist. of the Presidency*, 195; cf. Tyler, *Tylers*, I., 594.

acted with the conglomerate party of opposition, which soon became known as Whig. The nomination for the vice-presidency was said to have been promised him before the meeting of the convention, by Clay, on condition that Tyler should withdraw his opposition to the election of William C. Rives as United States senator from Virginia; but the circumstances do not indicate that Tyler ever consented to any such bargain.[1]

The Whigs adopted no platform, nor could they well have agreed on one; for the party was made up of the most incompatible elements, varying from an original nucleus of National Republicans to the most extreme state-rights men like Tyler, and any attempt to define its principles must have resulted in its dissolution.[2]

The national convention of the Democracy gathered at Baltimore, May 4, 1840. Immediately after organizing, the convention adopted a platform. The party had been in charge of the government for nearly twelve years; its policy was recorded in a series of measures to which it was committed, and it had less to lose than to gain by a definition of its attitude. It declared in general terms in favor of strict construction and the withdrawal of government money from banking institutions; and against internal improvements, the assumption of state debts contracted therefor or for any other purpose,

[1] Tyler, *Tylers*, I., 474–493, 592; Wise, *Seven Decades*, 157–161.
[2] Tyler, *Tylers*, I., 596, *n.* 1.

the unequal fostering of industries, the raising of more revenue than was required for the necessary expense of government, the chartering of a national bank, interference with slavery by Congress, and abridgment of the privilege of becoming citizens and owners of land.[1]

The convention then proceeded to nominate its candidates. That it should put forward the incumbent of the presidency for a second term was a foregone conclusion. The two-term precedent was already well established; and even if the smooth and conciliatory Van Buren was not the fittest exponent of the rough and aggressive Jacksonian system, he was at least thoroughly identified with the Jacksonian régime. A resolution presenting him to the people as the choice of the Democracy was unanimously adopted. As to the vice-presidency, however, there was no such accord. The opposition to Colonel R. M. Johnson, who was then holding the office, was so decided as to prevent his nomination, and the convention finally declared by a unanimous vote that it was inexpedient to make a nomination for vice-president.[2]

There was a third convention, but its proceedings were unimportant except as a symptom of the conflict between the sections that was in progress. It was held by the Abolitionists, and met at Albany on April 1, 1840. Its nominees were James G.

[1] Proceedings in *Niles' Register*, LVIII., 147–152.
[2] Stanwood, *Hist. of the Presidency*, 201.

Birney of New York and Thomas Earle of Pennsylvania. They received a popular vote of a little over seven thousand, scattered through all the free states except Indiana.[1]

The campaign on the part of the Whigs was marked by unprecedented enthusiasm and noisy demonstrations, by enormous gatherings and monster parades.[2] The Whigs had little to say of what they believed, but more of what they did not believe. The Baltimore *American* sneeringly remarked that Harrison would be satisfied to stay in Ohio if he could have a log cabin and a barrel of cider. In reply the Whigs, to make it appear that their candidate was a man of the people and of the West, adopted the log cabin as their campaign symbol; and the effectiveness of the device was increased by adding a barrel of cider and adorning the cabin with a coon-skin or a live coon. It was men rather than measures that claimed attention. There was no general outcry for a national bank, which would have pleased some of the Whigs, nor for states rights, which would have appealed to others; but a wild and universal shout of "Tippecanoe and Tyler too!" and "Down with Van Burenism!" There was a general condemnation of the alleged abuses of the presidential office; and there were rather vague

[1] Hart, *Slavery and Abolition* (*Am. Nation*, XVI.) chap. xxi.

[2] See, *e. g.*, the account of the national convention in Baltimore, May 4, 1840, to ratify the nominations, in *Niles' Register*, LVIII., 152–159.

promises of reform, including at least one specific pledge from Harrison, who took part personally in the canvass, that if he became president he would stop the interference of office-holders in the elections.[1] But most of the Whig leaders resorted to the makeshifts of evasion and denial of every positive policy, especially that of organizing a national bank.

The Democrats looked on the noisy campaign of the Whigs with contempt, which, as the canvass proceeded, gradually became mingled with alarm. The time for the choice of electors was not then uniform, and it occupied nearly a month. This made the shouting method all the more effective, for the earlier successes of the Whigs supplied enthusiasm for the struggles to follow and accelerated the movement in their favor. The increase in the popular vote over the election of 1836 was enormous, that of the Democrats rising from 762,978 to 1,129,102, and that of the Whigs from 736,250 to 1,275,016.[2]

The result was that Van Buren, though backed by strong and coherent influences, was thoroughly beaten, receiving only 60 votes out of 294 in the electoral college. To contemporaries it seemed like a complete political revolution.[3] It was the first

[1] Schouler, *United States*, IV., 336; *Niles' Register*, LIX., 71.
[2] Stanwood, *Hist. of the Presidency*, 185, 203.
[3] *Niles' Register*, LIX., 201–207; Stanwood, *Hist. of the Presidency*, 206.

time, in fact, since 1800 that there had been a real victory of an opposition over a well-organized administration party; for, though the election of Jackson in 1828 was of greater significance, Adams had no such party to support him. But the election of 1840 was, after all, less significant than it seemed.[1] The popular majority for Harrison in most of the states was small; and for the whole Union, in an aggregate of over 2,400,000, it was less than 150,000. The congressional elections gave the Whigs a majority of forty-four in the House and seven in the Senate—enough to carry out a programme if the party were united in support of it, but not enough to make Congress independent of the executive. The significance of the election was mainly negative; it meant only that a little more than half the voters of the United States were for the moment arrayed against "Van Burenism"; but what alternative they wished was not so clear.

[1] Cf. Wilson, *Division and Reunion*, 133.

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CHAPTER IV

THE QUARREL BETWEEN TYLER AND THE WHIGS

(1841–1842)

WHEN their triumph in the election gave the Whigs possession of the government, the party at last had to show its hand. Had Harrison lived, the catastrophe that followed might have been averted, or, at least, mitigated; for there can be no doubt that he was more in accord with the majority in Congress than was Tyler. But even the chief that led this miscellaneous aggregation to victory could scarcely have held it together when the fight was over. Before his brief exercise of the presidential functions was ended the signs of insubordination had already begun to appear. To be sure, he took his pledge as to the civil service seriously, repeated it substantially in his inaugural, and in fulfilment had a circular issued by the secretary of state to the heads of departments, directing them to disseminate information to the effect that "partisan interference in popular elections . . . or the payment of any assessment or salaries . . . for party or election purposes" would be regarded as cause for re-

moval.[1] This, however, meant only that he was inviting a struggle with those who had elected him; and it did not check an immediate wild rush after the federal offices as enthusiastic, if not so noisy, as the campaign had been. Harrison listened to the applicants so far as possible, but he could not satisfy all.[2] The party was not likely to go to pieces in a struggle for the spoils; but it required no little strength, both moral and physical, to meet the importunity of the "hungry crowd."[3] Whatever disorganizing effect might have come about, the situation was abruptly changed by President Harrison's death within a month from his inauguration. The impression got abroad that he was virtually killed by the strain the office-seekers put upon him, and this was probably part of the true explanation of his death.

Immediately on taking up his work as president, Harrison issued a proclamation convening the twenty-seventh Congress in special session on May 31 to consider "sundry . . . matters, principally growing out of the condition of the revenue and finances of the country."[4] When the two houses met, it was Tyler who sent in the message, and

[1] Richardson, *Messages and Papers*, IV., 13; *Niles' Register*, LX., 51.

[2] Crittenden to Letcher, March 14, 1841, in Coleman, *Crittenden*, I., 149.

[3] Clay, *Works*, IV., 451; Bell to Letcher, January 13, 1841, in Coleman, *Crittenden*, I., 136; Tyler to Tucker, July 28, 1841, in Tyler, *Tylers*, II., 53; cf. Von Holst, *United States*, II., 408.

[4] Richardson, *Messages and Papers*, IV., 21.

they at once settled down to the work of a most spectacular session.

The political chiefs of the Whig party were Clay and Webster, of whom Clay was the superior as leader and organizer. He was beside himself with anger when he learned that Harrison, and not he, had been nominated by the Harrisburg convention.[1] He had no lack of faith in himself; for many forensic and popular triumphs had made him conscious of his powers, and he had no respect for "mediocrities" like Harrison and Tyler.[2] There has been, perhaps, no other leader at any time in the history of the United States who has had such a large and devoted personal following. In the campaign he did his part; but it soon became evident that he did not mean to abdicate his supremacy, either in deference to a president chosen by the people or to one who had become such by the act of God.

Even before the death of Harrison there were premonitions of a struggle for the control of the new administration. Clay declined the offer of the secretaryship of state in Harrison's cabinet; and Harrison intimated to him that it was best for them not to be seen too much together, and even had to remind him who was president.[3] If Clay was imperious towards Harrison, from whom he expected

[1] Wise, *Seven Decades*, 171.

[2] Cf. Von Holst, *United States*, II., 410.

[3] Clay, *Works*, IV., 446, 447; Sargent, *Public Men and Events*, II., 116; Tyler, *Tylers*, II., 10, *n.* 4.

much, how might he be expected to treat Tyler, with whom he had so little in common? Another uncertain factor was Webster, a leader of towering intellectuality and surpassing eloquence, but lacking in Clay's warmth and personal magnetism, with little fitness for political management, and, as a New-Englander, less "available" than Clay. With all his disadvantages, his was an influence that must always be reckoned with; and it was well for Harrison that Webster took the place rejected by Clay, and for Tyler that he inherited the services of the great diplomat and retained them throughout the most trying period of his administration.

The third statesman who claims attention is Tyler himself. Had he been willing to play quietly the part of *roi fainéant* to Clay's mayor of the palace, he might have passed through his term in comparative peace and carried with him into private life the commendation and good wishes of those whose dictation he accepted and whose purposes he had served; but nature had not fitted him for such a characterless rôle, nor could he take it. His record was sufficiently extensive and consistent to afford ample means of judging him; and if men did not know what to expect from him, it was either because they did not know what he had always been, or because they thought he might be different now.[1] The Whigs themselves, who refused during the campaign to fix any test or stand-

[1] Cf. Von Holst, *United States*, II., 412–414; Schurz, *Clay*, 199.

ard whereby they might be known from other men, were hardly in a position to accuse him of treachery because he refused to conform to that which they sought to establish when the election was over. With Clay leading the majority in Congress, and Tyler in the presidential chair, the prospect of a harmonious Whig administration vanished completely and at once.

The issue soon came, but it was not sought by Tyler. He did, indeed, assert his right to the full title of president, which was not accorded him as promptly and generally as it might have been;[1] but this was probably due to the fact that the case was without precedent, and custom had not yet crystallized. He, however, took over Harrison's cabinet without a change, in spite of the fact that four of the members were virtual representatives of Clay. April 9, 1841, he issued an address to the people of the United States, which served as his inaugural. As might have been expected, it dealt with generalities; but it hinted that the circumstances of his accession might lead to factional assaults on his administration. He declared his dissatisfaction with "existing enactments" as to government finance, and promised his sanction to "any constitutional measure" that Congress might originate to restore a "sound circulating medium." In passing upon the "adaptation of any such measure to the end

[1] See Tyler's notification by the cabinet, *Niles' Register*, LX., 84; Schurz, *Clay*, II., 200.

proposed" and its constitutionality, he would, he said, follow the views of "the fathers of the great republican school." [1]

In his message at the opening of the special session, Tyler was hardly more definite. He emphasized the necessity for a "suitable fiscal agent" and asserted that the "popular voice" had condemned the three already tried—to wit: a United States bank, state banks, and the existing sub-treasury system.[2] To Congress he submitted "the entire question," reserving only the right to reject any measure which might, in his opinion, "conflict with the constitution or otherwise jeopardize the prosperity of the country." [3]

Unquestionably some kind of legislation along the lines suggested in the address and the message was needed. The state banking interest, though opposing the Whigs in their desire to re-establish a national bank, was ready to join them in attacking the sub-treasury; but this, as experience has shown, was a much more satisfactory agency for safe-keeping and handling the national revenue than state banks or Whigs were then willing to admit.

The question of a uniform currency had still to be met, and it was of serious import. In January, 1840, Clay asserted in the Senate that half the

[1] Richardson, *Messages and Papers*, IV., 36–39.

[2] Cf. Schurz, *Clay*, II., 203; Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xx.

[3] The paragraph concerning the fiscal agent will be found in Richardson, *Messages and Papers*, IV., 43–46.

banks, from New Jersey to the extreme southwest, had suspended specie payments; that there was no currency of uniform value throughout the country; and that what there was varied, by the specie standard, from par to fifty per cent. discount.[1] Rates of exchange were very high and uncertain. This state of things could not exist among an energetic and progressive people without an active search for a remedy. If local banks of issue were to exist, whose methods and management varied according to the varying restrictions of state law, there could be no uniform currency without some kind of general regulation. A national bank might not be necessary, but some kind of national banking system was. Tyler's peculiar suggestion that the states, with the consent of Congress, limit by agreement among themselves their power to create banks, shows that he saw clearly one serious aspect of the problem.[2]

Having received the president's message, the two houses at once set to work. A resolution introduced by Clay, and passed by the Senate, to inquire into the expediency of repealing the sub-treasury law was quickly followed up by a bill for that purpose, also introduced by Clay, which was reported June 4 and rushed through that body in four days. Meanwhile the Senate and House both called on the secretary of the treasury for a plan of a bank or

[1] Clay, *Works*, VI., 171.
[2] Richardson, *Messages and Papers*, IV., 46.

fiscal agent. On June 7, 1841, Clay offered a series of resolutions[1] that should have gone before the Harrisburg convention of 1839, for they were, in fact, the belated announcement of the Whig platform. They proposed a programme, nominally of legislative work for the session, but really of Whig policy, including the repeal of the sub-treasury law, the incorporation of a bank, the imposition of duties which would provide adequate revenue, and the distribution of the proceeds of the public lands. Clay asked for no immediate action on the resolutions, which Schurz calls, not inaptly, his "general order to Congress." They were undoubtedly intended to be a notice served on Tyler, who, it is said, had already defied Clay.[2] In any case, they seemed very much like a direct assumption of the president's constitutional right to suggest legislation.[3]

Congress proceeded to obey Clay's orders. The bill for the repeal of the sub-treasury system was passed by the Senate the next day. There was a delay of four days in pushing on the next item of the programme, the bank, because of a delay in the report of the secretary of the treasury, which had been called for as a basis for action; but on June 12 that report came in, accompanied by a bill for the incorporation of a bank in the District of Columbia to be

[1] *Cong. Globe*, 27 Cong., 1 Sess., 22.
[2] Schurz, *Clay*, II., 204; Tyler, *Tylers*, II., 33.
[3] U. S. Const., art. II., sec. 3.

called the Fiscal Bank of the United States, and to have general banking powers with certain restriction.[1] The bill provided that Congress, by virtue, not of its national authority, but of its powers as the local governing body of the District of Columbia, was to establish a bank in the district, which should serve as a nucleus for a general system. The bank was to be authorized to establish branches having the functions of deposit and discount in the several states, but only with the assent of the states.[2] The resolution calling on the secretary of the treasury for the plan asked for a bill free from constitutional objection; and the provision requiring the assent of the states was intended to meet Tyler's scruples as to the constitutionality of the measure.[3]

The select committee to which the bill had been referred wrestled with the subject until June 21, and then reported a substitute, which omitted the proviso as to the assent of the states.[4] The report affirmed that the question as to the constitutional power of Congress to establish a bank was settled, and that no bill for a bank in the District of Columbia would be effectual which did not recognize the existing constitutional power of Congress to establish branches in any state without its consent.

[1] *Cong. Globe*, 27 Cong., 1 Sess., 48.
[2] Tyler, *Tylers*, II., 69. [3] *Niles' Register*, LX., 238.
[4] The accompanying report will be found in *Niles' Register*, LX., 258–260.

In the course of the debate, which lasted until July 28, Clay became very impatient and threatened to amend the rules of the Senate so as to lay some restrictions on speech-making. The majority in the House had already done something in that direction by the adoption, July 7, of what was called the "hour rule."[1] Clay's strenuous appeal for "action, action" was sarcastically re-echoed by Calhoun, in a form which, he said, revealed its true meaning, as "plunder, plunder"; and the suggestion of limiting discussion aroused such feeling that the majority in the Senate wavered, and Clay was forced to abandon the attempt.[2] Finally a compromise relative to the constitutional objection concerning branches of the bank in the states was reached by a clause providing that the assent of every state whose legislature did not expressly declare itself to the contrary at its first session after the passage of the act should be assumed.[3] This amendment was adopted on July 27, in the absence of a Whig senator opposed to the compromise, by 25 to 24, and thus was made possible the passage of the bill by 26 to 23.[4] The House immediately took it up, and after a very brief discussion passed it, August 6, 1841, by a vote of 128 to 97. The nor-

[1] *Cong. Globe*, 27 Cong., 1 Sess., 155, 160; Benton, *Thirty Years' View*, II., 247. [2] *Ibid.*, 249–257.

[3] Represented by Congressman Botts as approved by Tyler himself. *Per contra*, see Tyler, *Tylers*, II., 56.

[4] *Cong. Globe*, 27 Cong., 1 Sess., 256, 260; *Niles' Register*, LX., 358.

mal Whig majority of 44 had fallen in this case to 31.

The decision lay with Tyler, who kept the bill until August 16, and then returned it with his veto. His objections were partly to the creation by Congress of a bank to operate "*per se*"—that is, by virtue only of the powers with which Congress vested it—throughout the United States, which he considered unconstitutional; and partly to the provision for local discounts, which he regarded as "a fruitful source of favoritism and corruption." [1] On the question of passing the bill over the veto, which was finally presented to the Senate on August 19, the vote was 25 ayes and 24 nays.

When the news of the veto spread, the excitement in Washington was intense. On its being read in the Senate, there was a demonstration in the galleries that roused Benton to a great outburst of indignation; and that night a disorderly crowd gathered near the White House and manifested its condemnation of the veto after the manner of mobs; but Tyler himself seems to have paid little attention to the incident, which was, in fact, only a passing ebullition.

Scarcely had the veto been promulgated before negotiations were on foot for an agreement between the president and the majority in Congress. Tyler was first approached by A. H. H. Stuart, a Whig member from Virginia, who suggested a basis

[1] Richardson, *Messages and Papers*, IV., 63–68.

for such an agreement in one of the rejected amendments to the bill, which had provided for subordinate "agencies" in the states which should be allowed to deal in exchange and to exercise certain other banking functions, and which might be convertible into offices of discount and deposit where the states did not expressly dissent.[1] This provision was so modified by the president as to make the establishment of such branches dependent on state consent, and to withhold from them the privilege of discount.

The Whigs held a caucus and decided to use as the foundation of a new bill one already on the House docket, which had been reported from the special committee on the currency. The caucus appointed Senator Berrien and Congressman Sergeant to see the president and endeavor to conform the bill to his views as reported by Stuart. How far the effort was honestly made remains uncertain; it seems to have gone no further than to meet his objection to local discounts, leaving out of account the more weighty question of constitutionality. Webster and Ewing were appointed by the president to confer with Berrien and Sergeant; and a cabinet meeting was held, August 18, 1841, to discuss the matter. Finally, on the 19th, the subject was taken up in the House; and a bill embodying what was claimed to be an agreement that had been reached was introduced as a substitute for the

[1] Tyler, *Tylers*, II., 76–79.

pending House bill, and was hurried through with inconsiderate haste,[1] reaching final passage in that chamber on the 23d by a vote nearly the same as that on the original measure—125 to 94. Next day the bill was read in the Senate and referred, and on September 3 it was finally passed there by a vote of 27 to 22. September 9, Tyler returned it without his signature, repeating the objections made in his first veto, and claiming that the new plan covertly authorized local discounts under the form of exchange.[2]

The president had spoiled the Whig programme, but had he kept faith? The Whig leaders and editors attacked him furiously, and all the members of his cabinet except Webster resigned, each joining with more or less emphasis in the condemnation. All the resigning members except Granger, the postmaster-general, published statements,[3] in which they charged that Tyler had committed himself to the bill, one of them claiming on hearsay that the president had seen and approved it before it was introduced. This statement was repeated in substance in a report made in August, 1842, by the majority of a select committee of the House headed by John Quincy Adams, the report being signed by ten members, including Mr. Adams himself.[4] To all

[1] Von Holst, *United States*, II., 430–432.
[2] Richardson, *Messages and Papers*, IV., 68–72.
[3] *Niles' Register*, LXI., 33–35, 53–55.
[4] *Ibid.*, LXII., 395–397. For minority reports, 407–411.

this Tyler opposed his positive public denial,[1] and the judicial investigator will scarcely believe him guilty of falsehood. In support of his assertion there is independent evidence, including a letter of Webster's dated August 10, 1841, in which he said that Tyler was "*wholly uncommitted*," [2] except as might be gathered from his "*public and official acts*," to any measure for a bank that Congress might pass. The committee of investigation seems to have been too ready to accept the positive assertions so widely current in Washington at the time of the second veto message, without undertaking a careful review of the testimony. The four resigning members of the cabinet who published statements were decided partisans of Clay; Webster disagreed with them; and Granger, Webster's only close political follower in the cabinet, published no statement.

Various theories have been put forward to explain Tyler's conduct, to his discredit. One explanation was that he was led by the flattery of a little group of his personal friends to overestimate himself and aspire to another term in the presidency.[3] Another charges him with sending his second veto because of an insulting letter written about him by John M. Botts, a Whig member of

[1] Richardson, *Messages and Papers*, IV., 193; Tyler, *Tylers*, II., 98.

[2] *Ibid.*, 85. I am unable to say whose the italics are.

[3] Schouler, *United States*, IV., 372.

Congress from Virginia, and this appears to have been the opinion of Webster.[1] All such explanations seem less rational and easy to believe than that Tyler, though led by anger at the dictatorial behavior of Clay into rashness in the exercise of his constitutional prerogative, was actuated in the main by courage and consistency. It was not unnatural that honest misunderstandings as to matters of fact should grow out of the negotiations for a compromise on a bill to organize a national bank. If the conflicting evidence be set aside or sifted fairly to obtain the truth, and the undisputed part of Tyler's record, together with his character as manifest therein, be studied, it will appear that he acquitted himself in his quarrel with the Whigs only as might have been expected from a brave and determined man and a stanch believer in state rights.

Tyler organized a new cabinet readily enough; but, though Clay remained in control of Congress, the special session adjourned on September 13, 1841, with nothing to show for its work. The bank project was dead forever, and the fall elections showed that a reaction had set in. Of the states that had voted for Harrison, Georgia, Maryland, and Maine went over to the Democratic column, and in some others the Whig majority was much reduced.[2] Clay may have been

[1] Von Holst, *United States*, II., 432; *Niles' Register*, LXI., 55; Adams, *Memoirs*, XI., 14.

[2] *Niles' Register*, LXI., 48, 74, 103.

right in ascribing the result to Whig indifference;[1] but none the less it meant Whig demoralization. Of the remainder of Clay's programme little was carried out in the regular session of 1841–1842. A loan was authorized to meet the needs of the treasury, which were great; the tariff was readjusted, first on a temporary, and later on what was intended for a permanent, basis; and a measure was passed providing for the distribution of the proceeds of the public lands among the states, which was made ineffective by a proviso that it should not take place when tariff duties were over twenty per cent. On the whole, the triumph of the Whigs in 1840 had come to naught. March 31, 1842, Clay resigned, with a touching farewell speech to the Senate; and, leaving the vain strife to work itself out, turned his whole attention to reorganizing the masses of his party.[2]

[1] Clay, *Works*, IV., 455.
[2] Schouler, *United States*, IV., 417.

CHAPTER V

ADJUSTMENT OF THE MAINE BOUNDARY CONTROVERSY

(1841–1842)

IN its management of foreign affairs, the Whig administration met with more success. Though it had to face serious and perplexing troubles with England over the northeastern boundary of the United States, over the friction between the two countries on the Canadian border of New York, over the right of search in suppressing the slave-trade and over the status of slave-carrying vessels in English colonial ports, all these questions were at length peaceably adjusted. Amid the loud domestic quarrels, the notes of international dissension were the less distinctly heard; but the danger of war with Great Britain was threatening, and to the man that averted it should be given due credit.

That man was Daniel Webster. Unsuited as he was in many respects for political leadership,[1] he was a great diplomat, and it was fortunate that he did not break away from Tyler along with the other members of the cabinet in 1841. In refusing to re-

[1] Schurz, *Clay*, II., 213.

sign, while he was supported by the advice of the Massachusetts delegation in Congress, he gave the reason also that he did not think it consistent with his duty to the country to risk embarrassing the president when such delicate negotiations were pending. If this was not his real reason, it was abundantly good and sufficient.[1] He remained in office till his work was done and a treaty which removed the danger, at least for the moment, was ratified.

The friction on the frontier of Canada grew out of the "*Caroline* affair," which occurred in December, 1837. Navy Island, on the Canadian side of Niagara River, was then occupied by a body of Canadian insurgents and their sympathizers from the United States, against whom the west shore was protected by a considerable body of Canadian troops. The *Caroline* was a steamer owned by a citizen of Buffalo, usually plying between Buffalo and Schlosser, on the United States side of the river, but which, for the sake of greater profit, was used as a ferry-boat to carry armed men and munitions of war between Schlosser and Navy Island. On the night of December 29, while on the east side of the river, near Schlosser, the steamer was attacked by a party of volunteers from the Canadian troops. One of the crew, a citizen of the United States, was killed, and the *Caroline* was set on

[1] Adams, *Memoirs*, XI., 13; *Niles' Register*, LXI., 35; cf. Schouler, *United States*, IV., 395.

fire and allowed to drift over the rapids to the falls.[1]

The attack on the *Caroline* was approved by both the Canadian and British governments, and Colonel McNab, the officer who had ordered the attack, was knighted. Secretary of State Forsyth at once made complaint to the British minister of the "extraordinary outrage committed . . . on the persons and property of citizens of the United States within the jurisdiction of the State of New York."[2] The Canadian government took the responsibility for the destruction of the "piratical craft"; and, January 8, 1838, Van Buren asked for appropriations to back up his demands for redress, and the secretary of war called upon New York and Vermont to furnish militia for the defence of the frontier.[3] The filibusters evacuated Navy Island, and the vigilance of the United States authorities prevented the organization of any effective invasion of Canada; but there was strong local sympathy in Vermont, New York, and Michigan for the Canadian insurgents, which manifested itself in efforts to aid them, including the destruction of the Canadian steamer *Sir Robert Peel* in the St. Lawrence River. The *Caroline* affair was still unadjusted when Webster became secretary of state.

[1] Tiffany, *Relations of the United States to the Canadian Rebellion of 1837–1838*, pp. 32–37.

[2] Richardson, *Messages and Papers*, III., 404.

[3] Bancroft, *Seward*, I., 111.

In November, 1840, Alexander McLeod, who had been a deputy sheriff in Canada, came over into New York and boasted that he was a member of the party that attacked the *Caroline*, and that it was he who had killed a member of her crew; whereupon he was arrested and indicted for murder. The British government reasserted its responsibility and demanded the release of McLeod, which Webster would doubtless have accorded if the man had been in the hands of the national authorities; but the state of New York was not so easy to satisfy. The attorney-general of the United States furnished the counsel for McLeod with evidence on which to sue for a writ of *habeas corpus* before the supreme court of New York, but the writ was refused. The situation was perilous, for New York was aroused, and a conviction would have been in effect a challenge to Great Britain by that state.[1] Webster informed the British government of the steps which he had taken, and after that could only await the result of the trial.[2] Fortunately the defence was able to prove McLeod only a vain boaster by establishing an *alibi;* and on October 12, 1841, he was acquitted.[3]

In spite of the McLeod case and other causes of friction, in 1842 Webster's tact, patience, and good judgment finally put an end to the more serious differences between Great Britain and the United

[1] See the speech of Adams on the subject, *Niles' Register*, LXI., 60. [2] Adams, in *ibid.*, 51.
[3] See the account of the trial, *ibid.*, 104–108, 119–125.

States by the conclusion of the Ashburton treaty. Inasmuch as the most important part of it was an adjustment of the long-vexed question of the north-eastern boundary of the United States, the origin of that question must be traced.

The peninsula bounded by the St. Lawrence River, the Gulf of St. Lawrence, and the Atlantic Ocean was first settled by the French, who called it Acadia.[1] It was claimed also by the English, and in 1621 James I. granted to Sir William Alexander the more easterly part of it under the name of Nova Scotia, of which the western boundary ran up the river "commonly called St. Croix" to its source, and thence along a straight line to the source of the nearest stream emptying into the St. Lawrence. This was the origin of the later boundary between Maine and New Brunswick. By the peace of Utrecht, in 1713, "Acadia" was transferred to the English, but the boundaries between that province, the Massachusetts possession of Maine, and the French province of Canada were left unsettled.

After Canada also passed from the French, a royal proclamation, October 7, 1763, described the southern boundary of Quebec as a straight line from the south end of Lake Nipissing to the St. Lawrence, at the forty-fifth parallel, and thence on that parallel and the highlands between the rivers emptying into the St. Lawrence and those emptying into the sea to the Bay of Chaleurs. This, of course, became

[1] Thwaites, *France in America* (*Am. Nation*, VII.), chaps. i., xiii.

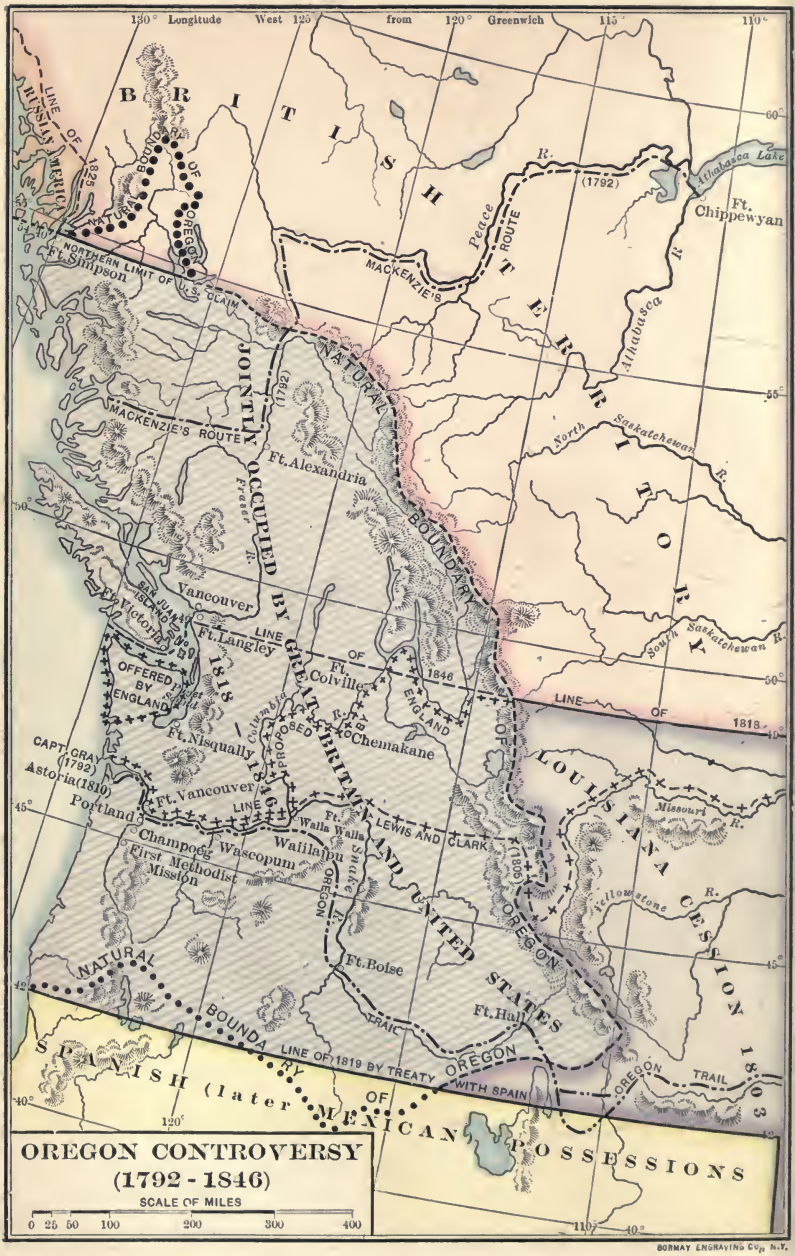
the northern line of Maine and of Nova Scotia, but it was not so clearly defined as to be throughout easily ascertainable, though evidently intended to follow the southeastern rim of the St. Lawrence basin.[1]

The treaty of peace in 1782 gave this line special importance by adopting it—for the negotiators doubtless meant that it should be the same — as the boundary between Great Britain and the United States.[2] The starting-point of this part of the line was described as the "northwest angle of Nova Scotia," at the northern extremity of "a line drawn due north from the source of the St. Croix River to the Highlands." The line was to run thence along the Highlands [in the definitive treaty of 1783, "said Highlands"] which divide those rivers which empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean [in the proclamation of 1763, "sea"], to "the northwesternmost head of Connecticut River."[3] The "northwest angle of Nova Scotia" was therefore located by the treaty at the junction of two lines supposed to be already known, and described in the proclamation of 1763, with a few divergences intended to give the description more definiteness. In fact, the wording of the treaty bristled with disputed questions, and

[1] *Annual Register*, VI., 209; cf. Howard, *Preliminaries of the Rev.* (*Am. Nation*, VIII.), map at p. 299.

[2] Moore, *International Arbitrations*, I., 103; Ganong, *Boundaries of New Brunswick*, 300–304.

[3] *U. S. Treaties and Conventions*, 370.



OREGON CONTROVERSY
(1792 - 1846)

SCALE OF MILES

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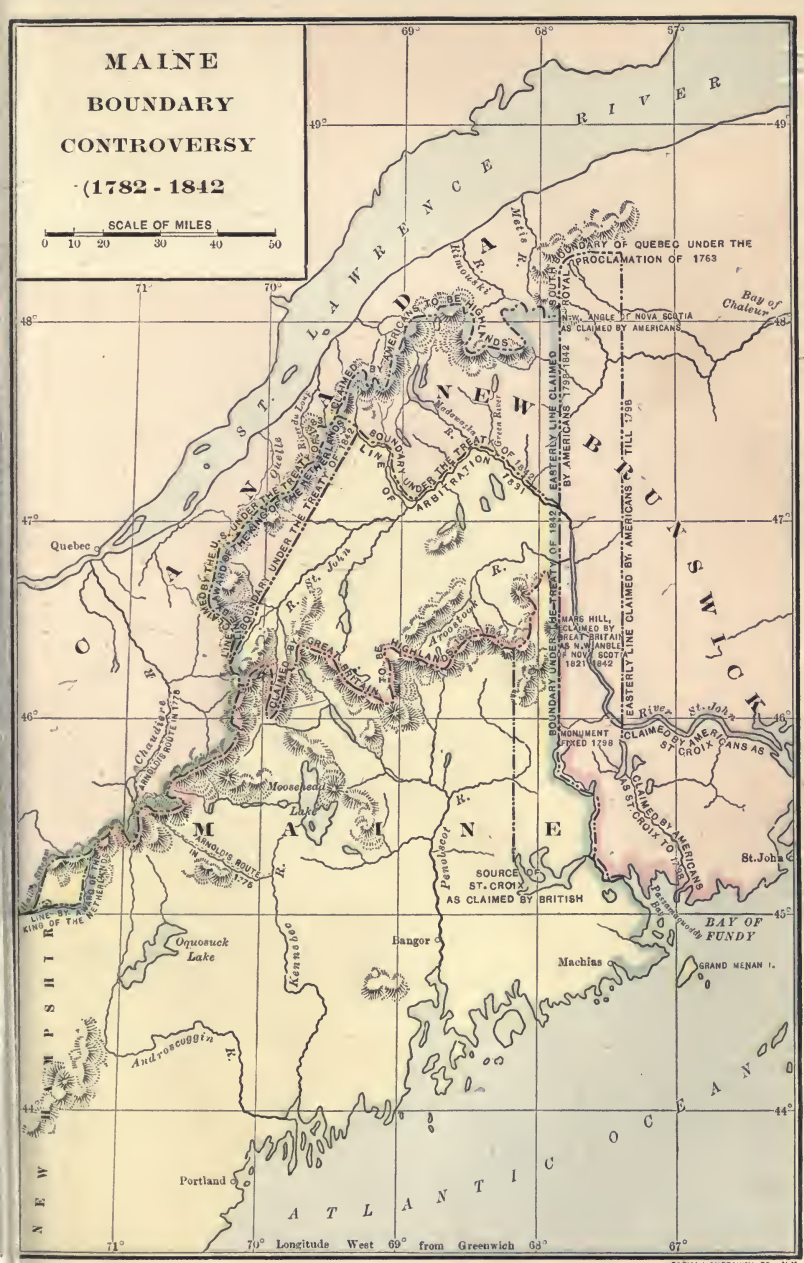

BORMAY ENGRAVING CO., N.Y.

could not be made to fit the actual lay of the land.

In seeking to determine the line of the treaty, controversy first arose concerning the identity of the St. Croix River. The commissioners who made the treaty used for their own guidance a copy of Mitchell's map of 1755, which showed a stream by that name; but there were several in the neighborhood where Mitchell placed it that had been called St. Croix, and the map was so inaccurate that it was impossible to say what river the treaty meant. The British sought to identify it with the stream known by the Indians as the Schoodic; and the Americans claimed that it was the Magaguadavic, farther east. The Jay treaty, in 1794, provided for a commission to settle the matter, and the award of the commission, in 1798, adopted the British view as to the main stream of the Schoodic, but followed up an eastern instead of a western branch to its source, where a monument was fixed.[1]

The next controversy concerned certain islands in Passamaquoddy Bay and the Bay of Fundy. The treaty of 1783 assigned to the United States all islands within twenty leagues of the coast south of a line drawn due east from the middle of the mouth of St. Croix River, except such as had been within the limits of Nova Scotia. Different attempts to

[1] Moore, *International Arbitrations*, I., 1–43; Ganong, *Boundaries of New Brunswick*, 244–258; cf. Bassett, *Federalist System* (*Am. Nation*, XI.), p. 126.

settle the question by negotiations failed, and it remained undetermined till 1814.

By the treaty of Ghent on December 14, 1814, provision was made for three boundary commissions, consisting each of one British and one American commissioner:[1] the first to decide the ownership of the islands in the bays of Passamaquoddy and Fundy; the second to fix the line from the source of the St. Croix to the intersection with the St. Lawrence on the forty-fifth parallel; and the third to determine it thence to the northwest corner of the Lake of the Woods. All the land lines were to be suitably surveyed and marked.

The first commission announced its decision November 24, 1817. It adjudged Moose, Dudley, and Frederick islands, in the Bay of Passamaquoddy, to the United States; and the island of Grand Manan, in the Bay of Fundy proper, to Great Britain.[2]

Before any other part of the line was completed a settlement was made of the northern boundary of the Louisiana Purchase. By a convention of October 20, 1818, that line was to be the meridian of the most northwestern point of the Lake of the Woods produced north or south to the forty-ninth parallel of north latitude, and thence west to the "Stony Mountains."[3] By the adoption of the line of 49° instead of the watershed limiting the Missis-

[1] *U. S. Treaties and Conventions*, 401–404.

[2] *Ibid.*, 405; cf. Babcock, *American Nationality* (*Am. Nation*, XIII.), 266.

[3] *U. S. Treaties and Conventions*, 416.

sippi Basin on the north, the United States lost a portion of the upper Missouri Valley, but gained in compensation nearly the whole of that of the Red River of the North.

The commission to determine the line from the intersection of the forty-fifth parallel with the St. Lawrence to the northwest corner of the Lake of the Woods, filed its report as to the part east of the passage from Huron into Superior, June 18, 1822.[1] This part they had been able to agree upon and to trace. But as to the line thence to the northwestern corner of the Lake of the Woods, the commissioners disagreed on various points; and in the latter part of 1827 they made separate reports and the commission was dissolved. Nothing further was done as to this part of the boundary until the negotiations for the Ashburton treaty began.[2]

The commission appointed to determine, survey, and mark the boundary from the source of the St. Croix to the intersection of the forty-fifth parallel with the St. Lawrence found its task much more difficult. It was organized in September, 1816, and immediately began operations; the various lines claimed were surveyed, the ground was carefully examined, and the commission met from time to time to hear the reports of the surveyors and the arguments of the agents or attorneys of the two governments concerned. One point of disagree-

[1] *U. S. Treaties and Conventions*, 407–409.
[2] Moore, *International Arbitrations*, I., 190, 191.

ment after another was developed as to the proper interpretation of the terms used in describing the boundary that was to be traced, and as the work progressed the prospect of a settlement grew more and more remote.

The most serious question was the meaning of the term "highlands" as used in the treaty of 1783; for these highlands were to be the westerly leg of the "northwest angle of Nova Scotia." About forty miles north of the source of the St. Croix the surveyors found a high elevation at a point called Mars Hill; but the line had to be extended one hundred and three miles farther north in order to strike a ridge beyond which was the head of a stream emptying into the St. Lawrence. The American agent claimed that this northern ridge was the "highlands" of the treaty, and that the intersection of the north and south line with it determined the proper northwest angle of Nova Scotia. The British agent, for two reasons, disagreed: the ridge was, he said, not elevated nor continuous enough to be called "highlands"; nor did the waters immediately south of it flow into the Atlantic Ocean, but, through the Restigouche and the Bay of Chaleurs, into the Gulf of St. Lawrence.[1]

Where were the real "highlands," then? The British found them at Mars Hill. True, it was on the divide between two tributaries of the St. John, which flowed into the Bay of Fundy, and hence

[1] Moore, *International Arbitrations*, I., 78.

Mars Hill did not separate waters flowing into the St. Lawrence from those flowing into the Atlantic Ocean; but it belonged to a line of highlands which at its western extremity separated the drainage basin of the Penobscot from that of the Chaudière, a tributary of the St. Lawrence; and the fact of its branching off eastward so as to run south of the upper valley of the St. John did not, the agent argued, prevent it from conforming to the description in the treaty.[1]

The British claim that "highlands" must mean high lands was a quibble; the word signifies no more than "divide" or "watershed"; and as to the real place of the highlands referred to by the treaty, the Americans had greatly the advantage of the argument.[2] This becomes the more evident when it is remembered that the line which the treaty meant to fix must have been the same as the southern boundary of Quebec described in the proclamation of 1763, and lying along the edge of the St. Lawrence Basin. There might, however, have been some reason for so drawing the line as to make it follow the southern edge of the Restigouche Valley.[3]

Another point of difference developed, in which the American contention was untenable, and that was the proper location of the forty-fifth parallel

[1] Moore, *International Arbitrations*, I., 78–80, 106–111.
[2] Cf. Ganong, *Boundaries of New Brunswick*, 348–353.
[3] Moore, *International Arbitrations*, I., 93, 103, 113–115, 143.

north of New Hampshire and Vermont. The parallel had been marked in 1774, and the accuracy of the work was so far trusted by the United States government that it erected costly fortifications at Rouse's Point, at the north end of Lake Champlain and just south of the line as then laid down; but more accurate determination showed that the true line was about three-quarters of a mile farther south, and that the United States was technically a trespasser. The American agent could find no better way to avoid the disagreeable consequences of this fact than to insist that, if the old line were not to be accepted, the new should be determined by the principles, not of "observed" but of "geocentric" latitude, which would have thrown the line thirteen miles farther north, besides upsetting the whole system of geodetic measurements then and now in practical use. Gallatin, who prepared the statement for the United States laid before the king of the Netherlands in 1830, regretted that this absurd proposition had ever been made.[1]

The commissioners differed also as to what was "the northwesternmost head of Connecticut River," the United States commissioner insisting on Hall's Stream, while the British commissioner fixed on the Connecticut-Lake River. The commissioners held their final session in April, 1822. Finding it impossible to agree, they made separate reports to their respective governments and adjourned.

[1] Moore, *International Arbitrations*, I., 80, 112, 119.

This possibility had been foreseen and provided for in the treaty of 1814 erecting this commission, as well as the two others whose work has already been described; in case of failure to concur in a report to be made jointly, the separate reports were to be referred to "some friendly sovereign or State, to be then named for that purpose," whose decision should be conclusive. For five years this provision was left in abeyance; but meanwhile troubles concerning the unsettled boundary arose between Maine, which had now become a state, and New Brunswick, which had been formed from the adjacent part of Nova Scotia,[1] and the national government was stimulated to new efforts for the determination of the line. Instead, however, of choosing an arbiter at once, as provided by the treaty, the United States and Great Britain, on September 29, 1827, concluded a new convention, which regulated in various ways the procedure to be followed in presenting the case for arbitration.[2]

The king of the Netherlands was chosen as arbiter, and on January 10, 1831, he made his award. He declined to decide in favor of either line claimed, but recommended a third lying between the other two which he thought it would be suitable to adopt.[3] This was an artificial compromise, and not a decision between the two rival claims as pre-

[1] Ganong, *Boundaries of New Brunswick*, 362.
[2] *U. S. Treaties and Conventions*, 429–432.
[3] Moore, *International Arbitrations*, I., 119–136.

sented by the convention of 1827; and though Great Britain was evidently willing to accept the award, the United States Senate refused, by a vote of 35 to 8, to regard it as binding.[1]

Efforts to settle the question continued under increasing difficulties. The United States entered into a "treaty" with Maine to obtain possession of the lands that might have to be surrendered, which was formally signed on both sides, but never ratified.[2] Desultory negotiations with Great Britain were kept up, new surveys were made by both sides,[3] and the border strife continued. Quarrels over timber-cutting and jurisdiction in the disputed district led at last, in 1838–1839, to actual hostilities in the "Restook," or Aroostook, War. The state of Maine bristled with military preparations, and the United States government prepared to take a hand; but the disturbances were quieted through the mediation of General Scott.[4] Although there was peace on the border after this for a time, there was no telling when the trouble in that quarter might begin again.

Such was the general condition of the relations between the United States and England when Webster became secretary of state under Harrison in

[1] *Senate Exec. Journals*, IV., 257.

[2] Webster, *Works*, V., 97; Moore, *International Arbitrations*, I., 138.

[3] For the work of Featherstonhaugh and Mudge, see *Ibid.*, II., 141.

[4] Webster, *Works*, V., 93; Scott, *Memoirs*, 331–354.

March, 1841. He at once proposed a renewal of negotiations with the plan of settling the boundary question directly, rather than by the methods thus far employed, at a line to be agreed on by the ministers of the two countries. Great Britain received the offer favorably, and appointed Lord Ashburton special minister with full powers to conclude a treaty covering all matters at issue between the two countries. Ashburton reached Washington in April, 1842, and in June the negotiations began in earnest.

There have been few instances in which negotiations ultimately successful have been carried on under greater difficulties. Besides the serious difference in the point of view of the two nations concerning some of the questions involved, a special obstacle to agreement lay in the fact that there were really four parties to be consulted instead of two; in addition to Webster and Ashburton, commissioners from the interested states of Massachusetts and of Maine also took part. The legislature of Maine had passed a resolution refusing to regard the acknowledgment of her claim to any portion of the disputed territory as an equivalent for the surrender of the rest.[1] The conduct of these two states, together with that of New York in the case of McLeod, must have impressed on Webster the fact that the supporters of state rights were not all from the South; and if he had been called on to re-

[1] Benton, *Abridgment of Debates of Cong.*, XIV., 576.

peat in 1842 his speech of 1830 in reply to Hayne,[1] he would doubtless have put into it an even stronger degree of earnestness and conviction. The saving feature of the situation lay in the mutual confidence and perfect frankness of Mr. Webster and Lord Ashburton towards each other, and in the assistance delicately given from time to time by President Tyler.[2]

The object was at length successfully accomplished, through the so-called Ashburton treaty, dated August 9, 1842. The lines from the source of the St. Croix to the intersection with the St. Lawrence, and from the passage between Lakes Huron and Superior to the northwest corner of the Lake of the Woods, were agreed upon and carefully described, and a commission was provided for to survey and mark the division. The boundary as fixed was a line less advantageous to the United States than that of the award of the king of the Netherlands. The claims of Massachusetts and Maine were satisfied by a payment of one hundred and fifty thousand dollars to each from the United States government, besides a share of what was known as the "disputed territory fund." The free navigation of certain waters along that part of the line which lay in the St. Lawrence and the Lakes, as well as of the St.

[1] See MacDonald, *Jacksonian Democracy* (*Am. Nation*, XV.), chap. vi.

[2] Tyler, *Tylers*, II., 216–218; Schouler, *United States*, IV., 403. The official correspondence between Webster and Ashburton is in *Niles' Register*, LXIII., 41–47, 53–63.

John where it formed the boundary, was conceded to both parties; and an agreement was adopted whereby the people of that part of the upper valley of the St. John lying in Maine obtained an outlet for their lumber and agricultural produce to the sea. The boundary from the Connecticut River to the St. Lawrence was fixed at the forty-fifth parallel, as determined by the survey completed in 1774, instead of the true forty-fifth, and the little strip of territory including the works at Rouse's Point was thus saved to the United States.[1] Two other important provisions of the treaty, those relating to the slave-trade and the extradition of criminals, are elsewhere treated.[2]

One interesting feature of the history of the treaty was what Lord Ashburton called "the battle of the maps." Among the mass of evidence concerning the boundary was a copy of a map which Jared Sparks had discovered in the French archives and sent to Mr. Webster for his use. This map, which was supposed to have accompanied a note from Benjamin Franklin to Vergennes, also found in the archives, had on it a line marked in red, apparently indicating the boundary according to the preliminary agreement of 1782, and hence became known as the "Red Line" map.[3] The line as drawn was somewhat north of the forty-fifth parallel be-

[1] *U. S. Treaties and Conventions*, 432–438.
[2] Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xix.
[3] Curtis, *Webster*, II., 168.

tween the St. Lawrence and the head of the Connecticut, but ran south of the valley of the St. John, giving Great Britain more than she claimed.[1] Webster did not show the map to Ashburton, but he did allow the Massachusetts and Maine commissioners to see it in order that they might understand the effect it would possibly have if the subject went again to arbitration. Subsequently there was found in the British Museum a copy of Mitchell's map which had been used in the negotiations of 1782, and which showed a line marked by King George III. as "the boundary described by Mr. Oswald," giving the United States a considerably larger share of the St. John Valley than the treaty of 1842 had allowed.[2] This map must have been known to the British authorities while the negotiations for the treaty were in progress. Another copy of Mitchell's map, with the same line marked on it, was found in 1843 among the papers of John Jay, who was one of the American commissioners in 1782. The Red Line and Oswald maps figured extensively in discussions of the treaty after it was ratified, but had no place in the negotiations that led to it, except as the former was used to secure ratification for the treaty on the American side.

[1] Curtis, *Webster*, II., 132, 171.

[2] See Moore, *International Arbitrations*, I., 156, and map; Curtis, *Webster*, II., 169.

CHAPTER VI

THE TEXAN QUESTION

(1819–1841)

THE Anglo-American colonists of Texas came mainly from the slave-holding states; but there was a considerable element from free states—especially New York—including a large number of those who became prominent as promoters of the revolution and officials of the republic. Some of the representatives of this element were David G. Burnett, provisional president in 1836; Timothy Pilsbury and David S. Kaufman, the first two United States congressmen from Texas; Royal T. Wheeler, one of the first judges of the Texas supreme court; Ashbel Smith, minister to England and France; E. M. Pease, at one time governor of the state, etc.[1] The great majority, however, of the colonists were from the South; and therefore tradition combined with economic tendencies to foster slavery among them.[2] This at first appeared little more important than the colonial chroniclers of the seventeenth century thought the beginning of slavery in Virginia; but

[1] Fulmore, in Texas State Hist. Assoc., *Quarterly*, V., 31–34.

[2] See p. 29, above.

with the growth of opposition to the system, the progress of sectionalization in the United States, and the efforts at annexation the fact took on greater significance.

The growth of the Anglo-American colonies in Texas and their troubles with the Mexican government forced the question of the relations of the United States with that province on the attention of the authorities at Washington and of the people of the Union. During the earlier stages of the colonization the southwestward movement was backed by the unquestioning sympathy of the people of the United States. No one had been so bitterly opposed to the surrender of the claims of the United States to Texas in 1819 as John Quincy Adams;[1] and no presidential administration was more completely possessed by the spirit of westward expansion without regard to latitude than his. He boasted of having been first to assert the claim of the United States as far west as the Pacific coast;[2] and he must be credited with the inauguration of the policy which, under changed conditions in later years, brought about, against his own opposition, the annexation of Texas and the acquisition of California.

As soon as Adams became president he began a series of energetic efforts to recover the ground he had been forced to yield in 1819. Poinsett, the United States minister to Mexico, was instructed to

[1] *Niles' Register*, LXII., 138. [2] Adams, *Memoirs*, IV., 275.

negotiate for the cession of Texas, and if he could not get the whole to accept a part. The negotiations failed; but Adams used the occasion to suggest to the Mexican government that its colonizing policy was preparing the way for the loss of the province.[1] During Jackson's administration efforts to purchase Texas were made in 1829 and again in 1835, but they were fruitless.[2]

Meanwhile had arisen the friction between Texas and the Mexican authorities which resulted in the revolution of 1835–1836. In the course of this movement much feeling was aroused in Mexico by the evident sympathy of the government and most of the people of the United States for the Texans, and by the assistance that came to the revolutionists from that quarter. A letter dated April 4, 1836, from the Mexican minister at Washington, Gorostiza, to Secretary of State Forsyth,[3] furnished information as to certain violations of neutrality that were in progress in Mississippi, Tennessee, and Kentucky, but indicated satisfaction with the efforts the Federal government was making to prevent such violations. A little later in the same month orders were given to General Gaines, in command of the United States forces on the Sabine, authoriz-

[1] Adams, *Speech on the Right of Petition*, June 16–July 7, 1838, pp. 106–108; Adams, *Memoirs*, VII., 239, 240; cf. Von Holst, *United States*, II., 554; Turner, *New West* (*Am. Nation*, XIV.), chap. xvi.

[2] MacDonald, *Jacksonian Democracy* (*Am. Nation*, XV.), 213.

[3] *House Exec. Docs.*, 24 Cong., 1 Sess., VI., No. 256, pp. 12–15.

ing him to advance to Nacogdoches if he thought it necessary in order to prevent or meet Indian attacks on the people of Texas.[1] This called forth a protest from Gorostiza;[2] and when Nacogdoches was actually occupied by Gaines in July, subsequent to the expulsion of the Mexican troops from Texas by the revolutionists, he repeated his protest; getting no satisfactory answer from the United States, on October 15 he demanded his passports. Before leaving Washington he complicated matters still further by sending to the members of the diplomatic corps a pamphlet reflecting seriously on the conduct of the administration in dealing with Texas.[3]

Considering the state of affairs on the border as reported to the United States government,[4] the original order of April 25, 1836, to Gaines, authorizing him to advance to Nacogdoches if necessary, while not technically in accordance with international law, appears to have been dictated by humanity and justified by the emergency. In a further order of May 12, Gaines was warned to be very cautious in the exercise of the discretion confided to him;[5] and, though he subsequently sent a

[1] *House Exec. Docs.*, 24 Cong., 1 Sess., VI., No. 256, p. 43; Bancroft, *North Mex. States and Texas*, II., 286.

[2] *House Exec. Docs.*, 24 Cong., 1 Sess., VI., No. 256, p. 25.

[3] *Ibid.*, 25 Cong., 2 Sess., VII., No. 190.

[4] Green to the president, March 11, and Many to Jones, March 12, 1836, in *ibid.*, 24 Cong., 1 Sess., VI., No. 256, pp. 58, 59.

[5] *Ibid.*, p. 54.

detachment of troops to Nacogdoches which occupied the place for a time, this was because of an actual outbreak among the Indians in which the Caddoes from east of the Sabine were credibly reported to have taken part.[1] Gorostiza claimed that the occupation was part of a deliberate scheme to rob Mexico of a part of her territory, and adduced evidence which gave color to his accusation but did not prove it. Had it not been for the strained relations of the United States and Mexico, the event would probably have caused no more disturbance than did a similar invasion of the United States by Texan troops some two years later.[2] As to furnishing assistance to the Texans during the revolution, while the authorities at Washington were careful to observe the obligations of neutrality, local officials and communities in most cases did not feel any such diffidence.

While the Texan revolution was still in progress a movement was begun to secure the recognition of the republic and its annexation to the United States.[3] As soon as the Mexicans were expelled and a permanent government for Texas organized, the effort was pushed on with renewed energy. In September, 1836, the question of annexation was submitted, along with the constitution of the re-

[1] *House Exec. Docs.*, 25 Cong., 2 Sess., XII., No. 351, pp. 792–794. [2] *Ibid.*, 25 Cong., 3 Sess., II., No. 71.

[3] Garrison, "The First Stage of the Movement for the Annexation of Texas" (*Am. Hist. Review*, X., 72–96).

public, to the vote of the people of Texas, and the result was overwhelmingly in favor of the proposition. A few years earlier, conditions in the United States had been much more favorable for such a movement; but, at the time when it actually came, slavery was forcing itself into notice as the fundamental issue of American politics, and the contest over the right of petition was rousing an antagonism to the institution in the North that acted with paralyzing effect on the instinct of expansion.[1] Many, like Adams, were now willing to forego any further territorial accession altogether if it involved an enlargement of the slave-holding area; and these joined at once in determined opposition to the wishes of Texas and of the South.

The leaders were generally disconcerted by the appearance of this new and unmeasured force in American politics. Only men like Adams and Calhoun, with whom conviction did not bow to expediency, spoke out unmistakably concerning Texas. Even the impetuous and decided Jackson seems to have recognized from the first the danger of precipitating the question. He was never hesitant or cautious except when confronted by the problems involved in dealing with Texas; but in this case his reserve and delay seem almost to reach the point of temporizing and of following the lead of Congress. Early in July, 1836, both the

[1] Cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xviii.

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Senate and House passed resolutions—the Senate unanimously, and the House by a vote of 128 to 20 [1]—to the effect that Texas should be recognized when the assurance was obtained that it could properly maintain its independence. The subsequent vote, however, of the Texans in favor of annexation tended to handicap the struggle for recognition by connecting the two. Jackson's policy towards Texas was marked by unusual circumspection: his convictions on the subject were positive enough, and his tendency to delay recognition was perhaps due at the outset to his fear of a mischievous reaction on the interests of Van Buren, whom it was his darling project to elect as his successor, and later to his habitual persistence in a policy once adopted, and to his desire not to embarrass the new administration by bequeathing to it a too-vigorous programme. In the summer of 1836 he sent an agent, Henry M. Morfit, to Texas to report on its condition and prospects; and on December 22 he submitted the report to Congress along with a message in which, in accordance with the views of Morfit, he recommended that recognition be postponed.[2] Nevertheless, the Senate, on March 1, 1837, passed a resolution recognizing Texas, an appropriation was made to cover the expense of a Texas diplomatic agency, and Alcée Labranche was sent to the new republic as *chargé d'affaires*.

[1] *Cong. Globe*, 24 Cong., 1 Sess., 603, 616.
[2] *Sen. Exec. Docs.*, 24 Cong., 2 Sess., No. 20.

The recognition of Texas opened the way for the effort to secure annexation after Jackson's retirement; and on August 4, 1837, Memucan Hunt, the Texan minister at Washington, in accordance with the instructions of his government, addressed Secretary Forsyth a proposal to negotiate a treaty to that effect. Van Buren, however, while he may have been deceived by the noise and strength of the wind, in seeking to determine which way it blew, at least knew where the storm-centre of American politics lay. On August 25 the offer was refused, in terms too positive to admit of its being pushed further.[1]

The refusal of the president to negotiate a treaty of annexation turned attention towards the possibility of reaching the same result by means of an act of Congress. This alternative the Texans had been considering from the very beginning of the movement, and it was they who first suggested it. The instructions of Stephen F. Austin, Texan secretary of state, to William H. Wharton, minister to the United States, dated November 18, 1836, show that Wharton was expected, in pushing annexation, to deal with either the president or Congress.[2] The message of Governor McDuffie to the South Carolina legislature on his retirement from office at the close of the year 1836 indicates that he was looking

[1] For the whole correspondence, see *Sen. Exec. Docs.*, 25 Cong., 1 Sess., I., No. 40.

[2] MS. *Diplomatic Correspondence of Texas*, file 52.

for an effort at annexation by act of Congress;[1] and the report of the Senate committee of federal relations, to which the part of the message concerning Texas was referred, gives evidence of the same expectation.[2] The alternative method, however, is more definitely set forth in the instructions given December 31, 1836, by J. P. Henderson, acting secretary of state of Texas, to Memucan Hunt, who was just leaving to join Wharton at Washington.[3] Henderson says:

"In the event that there should be doubts entertained whether a treaty made with this government for its annexation to the United States would be ratified by a constitutional majority of the Senate of the United States you are instructed to call the attention of the authorities of that government to the propriety and practacability of passing a law by both houses (in which it would require a bare majority) taking in this country as a part of her Territory, this law could be passed, (provided Congress has the power to do so) based upon the vote of the people of Texas at the last election, but in framing such an act great care should be used in order to secure all the rights of Texas and its citizens as fully as you are instructed to have them attended to in any treaty which may be made, if such an act is passed you can give that government the fullest assurance that it will be approved by this government

[1] *Niles' Register*, LI., 229. [2] *Ibid.*, 277.
[3] MS. *Diplomatic Correspondence of Texas*, file 701.

and people. But inasmuch as this is rather a novel position you will speak of it with great prudence and caution."

On the Texan side the alternative of congressional action was never lost sight of. August 10, 1837, Hunt wrote to R. A. Irion, Texan secretary of state, expressing his fears of the disposition of the United States government—meaning, of course, the executive department—to delay annexation, and suggesting that he be authorized, if necessary, to bring the subject before Congress.[1] This would require that Irion should address a proposal of annexation to some member of Congress, with a statement of the terms and a request to present it to that body; the name of the member was to be left blank for Hunt to supply. He was of the opinion that, if it were determined to proceed in spite of the opposition of the president, the plan he suggested would be the most feasible that could be used. On September 18, in another letter to Irion, Hunt expressed the hope that a resolution requesting the president to instruct the secretary of state to ask the Texan minister for the terms on which Texas sought admission to the Union would be adopted by one of the houses of Congress, and that a motion to accept the terms would prevail in both. The president, he thought, would sign it.[2]

[1] MS. *Diplomatic Correspondence of Texas*, file 728.
[2] *Ibid.*, file 732.

During the regular session of the twenty-fifth Congress, beginning in December, 1837, attempts were made in both houses of Congress to secure action on the subject. On January 4, 1838, Preston, of South Carolina, introduced into the Senate a resolution to provide for annexation, which, as he explained, was not intended as a final act on the part of the United States, but simply as a legislative authorization of the steps to be taken by the executive. Annexation, when it should come, was to be effected by means of a tripartite treaty entered into by Mexico, Texas, and the United States.[1] On June 14 the resolution was tabled by a vote of 24 to 14. The action proposed in the House was much more radical. The same day on which Preston's resolution was tabled by the Senate a joint resolution was offered in the House by Waddy Thompson, of South Carolina, "directing the President to take the necessary steps for the annexation of Texas to the United States, as soon as it can be done consistently with the treaty stipulations of this Government." [2] A vote on this resolution was prevented by a speech of John Quincy Adams, which consumed the whole morning hour each day from June 16 to July 7, within two days of adjournment.

Meanwhile the legislatures of several southern states had passed resolutions favorable to annexation, and those of several northern states against it,

[1] *Cong. Globe*, 25 Cong., 2 Sess., 76. [2] *Ibid.*, 451.

the utterances from Massachusetts especially sounding with strong emphasis the note of nullification.[1] A resolution introduced in the lower house of Congress by Adams, which constituted the text of his time-consuming speech, was decidedly of the same tenor.

Texas now adopted a different policy. By direction of President Houston the offer of annexation was formally withdrawn, October 12, 1838, and new energy was put into the effort to secure recognition in Europe. Treaties were concluded with France in 1839, and with Holland and Belgium in 1840. November 13, 1840, a treaty with Great Britain was signed, and June 28, 1842, ratifications were exchanged.[2] The uneasiness of the authorities at Washington over the establishment of the new relations of Texas, especially those with England, soon led to a renewal of the annexation project on the side of the United States.

Meanwhile the Texans, though President Lamar, whose term lasted from December, 1838, to December, 1841, openly declared against annexation, were as willing to be annexed as ever. It was in the United States that the question had to be decided. With the progress of sectionalization the pro-slavery element became ever more anxious to secure Texas, and the anti-slavery element to ex-

[1] *House Exec. Docs.*, 25 Cong., 2 Sess., II., No. 55, VII., Nos. 182, 196, VIII., No. 211, IX., No. 373.

[2] Worley, in Tex. State Hist. Assoc., *Quarterly*, IX., 11–16.

clude it from the Union; but neither of these was for the time strong enough to control its own section, and, when the issue came, the instinct of expansion finally cast the balance in favor of Texas.

CHAPTER VII

THE BOUNDARY OF TEXAS
(1748–1841)

THE district first known to the Spaniards as Texas was the country of the Tejas Indians, in which was planted in 1690 the first Spanish mission east of the lower Rio Grande. The site of this mission is between the Neches and the Trinity rivers, southwest of Nacogdoches.[1] From the time of its establishment forward, the Tejas region, or Texas, begins to figure, with ever-increasing importance, in the annals of New Spain. The district was abandoned in 1693; but in 1716–1717 it was reoccupied by the foundation of six missions and a *presidio* in that quarter,[2] and a little later the Spaniards established themselves in two other localities west of the Texas district but far east of the Rio Grande. These were Béxar, the modern San Antonio, and La Bahía, or The Bay, the place where La Salle had established his colony of Fort St. Louis on the Gulf coast in 1685.[3] The mission and *presidio* at La

[1] Clark, in Tex. State Hist. Assoc., *Quarterly*, V., 186.
[2] Clark, *ibid.*, VI., 23; Austin, *ibid.*, VIII., 283.
[3] Clark, *ibid.*, VI., 25; cf. Thwaites, *France in America* (*Am. Nation*, VII.), chap. iv.

Bahía was afterwards moved farther inland, and near it grew a settlement to which, after Mexico became independent, was given the name Goliad. At the time when the Anglo-American colonization of Texas began there were, therefore, but three Spanish settlements of any importance in the province —Nacogdoches, in the original Texas district, and Béxar (San Antonio) and Goliad, in the region first occupied by the French.

The name Texas had meanwhile been extended to the whole area north of the lower Rio Grande River occupied by the Spaniards, which was organized as one of the provinces of New Spain, or Mexico. A map executed by the engineer La Fora, who accompanied the Marqués de Rubí, an official *visitador* of the Spanish government to Texas in 1767, represents the province at that time as a long, narrow, L-shaped strip drawn so as to include the Spanish settlements. The long arm of the L is parallel with the Gulf coast, being separated from it by the country of the Karankawa Indians, and includes the eastern group of settlements at one end and those of Béxar at the other. The short arm runs from Béxar southeastwardly to the coast, so as to include the mission and *presidio* of La Bahía.[1]

[1] The original of this map, once in the Mexican archives, has long since disappeared. A photographic copy furnished me by Dr. H. E. Bolton, of the University of Texas, came to him from Miss Zelia Nuttall.

The Mexican provinces that have had, at one time or another, a common boundary with Texas are New Mexico, Chihuahua, Coahuila, and Nuevo Santander, or Tamaulipas. The first three are older than Texas, but Nuevo Santander was organized later. The foundation of the north Mexican states proceeded from west to east. The earliest to appear was Nueva Galicia, lying along the Pacific coast and the Gulf of California; it was soon separated into Sinaloa and Sonora. Then emerged Nueva Vizcaya and New Mexico. Nueva Vizcaya lay east of the Sierra Madre, and covered the western part of the great Mexican plateau. It stretched from southeast to northwest parallel to Nueva Galicia. The southern part of it became, in 1824, the state of Durango, and the northern that of Chihuahua. New Mexico was its northward projection into the upper valley of the Rio Grande, lying on both sides of the river. East of Nueva Vizcaya was formed the province of Nueva Estremadura, or Coahuila; and east of Coahuila—and preceding it in chronological order—that of Nuevo León. Then followed the province of Texas on the northeastern frontier of New Spain, and finally that of Nuevo Santander (Tamaulipas), east of Nuevo León and lying along the coast of the Gulf of Mexico.

No official delimitation of the province of Texas has been discovered dated earlier than the nineteenth century. Indeed, there seems to have been no occasion for it; there was no expansive energy in the

province, and to the northwest, west, and southwest lay vast, unoccupied areas over which it might have spread if it had possessed the strength and had felt the effort to extend its settlements worth making. Only at the sea-coast and on the eastern border, where France, and later the United States, was in possession of Red River, was there any barrier to its free extension, except the wilderness and the Indians.

The testimony as to the original western boundary of the province of Texas is conflicting. Certain officials that should have known have left on record statements to the effect that it was separated from Coahuila by the Medina, a few miles west of Béxar. Among these are the Marqués de Aguayo, who was governor of both provinces from 1719 to 1722, the auditor Altamira, who wrote a report on Texas in 1744, and Villa-Señor, the cosmographer of New Spain, who published a general description of that country in 1746.[1] The La Fora map of 1767, however, which should be good evidence, shows the boundary of Coahuila farther west than the Medina, but so drawn as to include the valley of the Rio Grande in that province. On this map there is no common boundary between Coahuila and Texas, which are separated by a wide

[1] See MSS. *Memorias de Nueva España*, XXVIII., 11; Yoakum, *Hist. of Tex.*, I., 384–389, passim; Villa-Señor, *Theatro Americano*, II., 320; cf. Cox, in Tex. State Hist. Assoc., *Quarterly*, VI., 85–88.

gap of vacant territory not included in any province.

Nearer the Gulf the western line of Texas seems to have been determined by the formation of the adjacent province of Nuevo Santander, which was organized as the result of the conquest of the country lying along the Gulf coast north of the state of Vera Cruz by the Spanish general Escandón, during the years 1748–1755. His work, as planned, was to include the pacifying of the hostile Indians to whom the district had been left until then, and the colonization of their territory. The region of his operations is indicated by a map in the Mexican archives on which is shown spots which he regarded as fit for settlement as well as the settlements actually made. One of the sites marked as favorable is on the west bank of the San Antonio River, but the river itself is represented as the boundary of Texas and Nuevo Santander.[1]

While the work of Escandón was in progress, and, in fact, as part of it, two settlements were established on the left bank of the Rio Grande by colonists from Coahuila. One was Dolores, founded in 1750 and located ten leagues below the site of the present Laredo; and the other was Laredo itself, settled in 1755.[2] Eighteenth-century authorities

[1] Copied in Prieto, *Historia de Tamaulipas*, opposite p. 152; cf. a variant copy, in Bancroft, *Mexico*, III., 337.

[2] Bolton, "Tienda de Cuervo's Ynspeccion of Laredo, 1757" (Tex. State Hist. Assoc., *Quarterly*, VI., 187–203).

seem to concur in ascribing the jurisdiction over these two settlements to Nuevo Santander.

Nothing has been brought to light to show why the common boundary of Texas and Nuevo Santander retreated from the San Antonio River, where the map showing Escandón's conquest placed it, to the Nueces. The line is located on the La Fora map between the San Antonio and the Nueces, but official documents of the latter part of the eighteenth century refer to the Nueces as the border.[1]

By the treaty of San Ildefonso in 1800, Louisiana was transferred from Spain to France. It was the intention of Napoleon, who was then at the head of the French government, to claim Texas as part of the acquisition, and to fix the southwestern boundary at the Rio Grande from its mouth to the thirtieth degree north latitude.[2] The sale of Louisiana to the United States left the boundary question to be settled by that nation and Spain. It is, however, interesting to note that in an order by the king of Spain, May 30, 1804,[3] dividing the northern provinces of Mexico, which were then known as the *Provincias In-*

[1] Cox, in Tex. State Hist. Assoc., *Quarterly*, VI., 94, where is quoted the report of Comandante General de Croix, in MS. *Expediente sobre Comercio*, Archivo General de México, Ramo de Historia, XLIII.

[2] See the orders to General Victor, in Adams, *United States*, II., 6–9; cf. Channing, *Jeffersonian System* (*Am. Nation*, XII.), 77–79.

[3] MSS., Archivo General de México, Ramo de Cédulas Reales, CXCI., 127.

ternas, into two groups, the eastern and the western, and defining their limits, the Rio Grande seems to be treated as the southwestern boundary of Texas. The order enumerates, as belonging to the eastern group of provinces, Texas, Coahuila, the Bolson de Mapimí, and the parts of Nuevo Santander and Nuevo León lying between the Rio Grande and the Pilon, which is south of the Rio Grande. The part of Nuevo Santander between the Pilon and the Pánuco it was evidently intended to exclude from Texas. If the country between the Nueces and the Rio Grande was included in Nuevo Santander, the part of this province belonging to the eastern group should have been described as between the Nueces and the Pilon. The same order provides for the settlement of Texas by military colonies to begin in the neighborhood of the Rio Grande. The terms of the order, therefore, imply that the Rio Grande was to be treated as the Texas boundary. These facts may have some bearing on the question of the Spanish understanding of the limits of Louisiana as transferred to France by the treaty of San Ildefonso in 1800.

This order was not carried out, and on May 1, 1811, there was issued another of like tenor, and Joaquin de Arredondo was appointed *comandante general* of the eastern division. In order that there might be no confusion as to the matter of limits, Arredondo secured the approval of the viceroy for a map showing the boundaries of the four provinces

TEXAS CONTROVERSY
AND
TERRITORIAL ADJUSTMENT
(1836 - 1850)
SCALE OF MILES
0 100 200 400 600 800 1000
BRITISH POSSESSIONS
ROCKY MOUNTAINS
OREGON TERRITORY
ORGANIZED 1848
UNORGANIZED TERRITORY
MINNESOTA TERRITORY
ORGANIZED 1849
UTAH TERRITORY
ORGANIZED 1850
CALIFORNIA
ADMITTED 1850
NEW MEXICO TERRITORY
ORGANIZED 1850
CLAIMED BY TEXAS 1836-50 LEFT UNORGANIZED 1850
CLAIMED BY TEXAS 1836-1850
CEDED TO UNITED STATES 1850
CLAIMED BY TEXAS BY STATUTE OF DEC. 19, 1836
TEXAS
OLD SPANISH TEXAS
MEXICO
GULF OF MEXICO
TROPIC OF CANCER
Longitude West from Greenwich
LINE OF 1819
TREATY WITH SPAIN
Missouri R.
Yellowstone R.
Snake R.
N. Platte R.
Platte R.
Arkansas R.
Canadian R.
Red R.
Brazos R.
Sabine R.
Colorado R.
Gila R.
Rio Grande
Rio Rojo
Rio de Guadalupe
Rio de Medina
Rio de la Nueces
Rio Bravo
Portland
Ft. Vancouver
Columbia
Ft. Hall
Great Salt Lake
Salt Lake City
San Francisco
Monterey
Los Angeles
San Diego
Santa Fe
Des Moines
Ft. Leavenworth
Independence
Ft. Smith
Shreveport
Nacogdoches
Austin
San Antonio
Houston
Galveston
Corpus Christi
Nacogdoches
Bejar
Sn. Vicente
Laredo
GOLFO DE MEXICO
OFFICIAL MAP OF
SPANISH TEXAS
1816
(Indicated on Main Map
by red lines)
BORMAY ENGRAVING CO., N.Y.

belonging to his group; and on January 11, 1816, a copy of the map was sent to each of the governors and to Arredondo's assistant inspectors in those provinces. According to this map Texas was separated from Nuevo Santander by the Nueces, and from Coahuila by the Medina, and its southwestern and western boundary was a zigzag line beginning at the mouth of the Nueces and ending at a point on Red River a little east of the one hundredth meridian of longitude west from Greenwich.[1] This must be considered the understanding of the Spanish government at the time of the revolt of Mexico in 1821.

The purchase of Louisiana in 1803 made it necessary to fix the boundary between the United States and Spanish territory in the southwest. In 1806 this question, after almost provoking a war, was quieted temporarily by what was called the "Neutral Ground treaty," an agreement concluded by Generals Wilkinson and Herrera, and to some extent respected by the governments concerned.[2] The agreement was to the effect that the United States troops should not go west of the Arroyo Hondo, a tributary of Red River, nor the Spanish east of the Sabine. The intervening district was to be treated

[1] See map No. 2, facing p. 104, from a tracing of the copy sent to Saltillo, furnished me by Judge Bethel Coopwood, of San Antonio. No copy has yet been found in the Saltillo archives. Cf. *Apéndice de los Documentos Relativos a la Linea Divisoria . . . del Estado de Coahuila* (Saltillo, 1832).

[2] McCaleb, *Aaron Burr Conspiracy*, 150–153.

as neutral. But when Florida was bought in 1819, as a part of the bargain, the southwestern boundary was so fixed, after a stout resistance by Secretary of State Adams, as to leave all of Texas west of the Sabine to Spain.

The official Spanish delimitation of Texas in its later years as a province is shown by the map sent out in 1816, but Texas was not satisfied with her limits as thus marked off. May 14, 1836, when Santa Anna was a prisoner in the hands of the Texans, he concluded with them two treaties, of which one was secret.[1] It provided, among other things, for the conclusion of a subsequent treaty by which the limits of Texas were to be fixed, but were not to extend beyond the Rio Grande. This agreement the Mexican government refused to regard as binding, because it was made under duress. American historians have generally accepted the Mexican argument, and have either entirely neglected the treaty with Santa Anna, or have dismissed it lightly as of small importance; but there is much to be said in favor of its validity, and hence of the Texan claim to the Rio Grande subsequent to 1836.[2] December 19, the same year, was approved an act of the Texas congress defining the boundaries of the republic as follows:

"Beginning at the mouth of the Sabine River,

[1] For the text of this treaty, see *Niles' Register*, LXIX., 98.

[2] Cf. Howard, in *Cong. Globe*, 31 Cong., 1 Sess., 205–209; as to the effect of duress, see Woolsey, *International Law* (5th ed.), 169.

and running West along the Gulph of Mexico, three Leagues from Land, to the mouth of the Rio Grande, —thence up the principal stream of said river to its source, thence due North to the forty second degree of North Latitude, thence along the boundary line, as defined in the Treaty between the United States and Spain to the beginning." [1]

This definition was not backed up by the establishment of actual jurisdiction. The Mexicans still held the left bank of the Rio Grande, but along the lower course of it their control extended no farther. As a matter of fact, the district lying between the Rio Grande and the Nueces was then practically unoccupied except along its edges, and the Texans had possession of the Nueces valley. In the year 1841 President Lamar, acting without the sanction of his congress, made an attempt to extend the jurisdiction of Texas to the Rio Grande in New Mexico by means of the Santa Fé expedition. A force of two hundred and seventy men was organized near Austin, and set out in June to cross six hundred miles of desert infested by hostile Indians. They carried copies of a proclamation by the president to the Mexican authorities, in which he offered them the privilege of incorporating themselves with Texas if they wished, but informed them that if they did not desire to change their allegiance they would not be attacked. He hoped, however, that

[1] MS. enrolled bill in the Tex. archives; cf. Gammel, *Laws of Tex.*, I., 1193.

the expedition might result in the establishment of closer commercial relations between Texas and New Mexico. After enduring great hardships the expedition reached the neighborhood of Santa Fé, only to be captured. Two men were executed, and the remainder sent to Mexican prisons, where they were confined till the following year. Some of them who were not Texans were released on the intercession of the governments to which their allegiance was due; the others, except one, were set free by order of the Mexican president, Santa Anna, June 13, 1842; and that one, who happened to be a personal enemy of Santa Anna, was held in captivity till he escaped early in 1845. The expedition had done nothing to change the status of the boundary question.[1]

[1] For details, see Kendall, *Santa Fé Expedition;* cf. Bancroft, *North Mex. States and Tex.*, II., 332–337.

CHAPTER VIII

DIPLOMATIC NEGOTIATIONS FOR THE ANNEXATION OF TEXAS

(1841–1844)

IN spite of the repulse which the Texan government had suffered in its attempt at annexation, it was first to indicate the desire of returning to the subject. In December, 1841, when Sam Houston became for the second time president of the republic, he immediately sent James Reily as *chargé d'affaires* to Washington, with instructions to ascertain whether the United States was indisposed to negotiate further relative to annexation.[1] Anson Jones, secretary of state under Houston, says that this was done with little hope of a favorable answer; and the Texan authorities were therefore not disappointed on learning from Reily that his efforts had met with no encouragement. March 25, 1842, he wrote Jones from Washington, saying, "I would rather die than to remain here. . . . You can see from my official letter that nothing can be done here in the way of any negotiation for Texas."[2] Shortly afterwards his request to be relieved was granted,

[1] Jones, *Letters Relating to the Hist. of Annex.*, 4.
[2] *Ibid.*, 7; Jones, *Repub. of Tex.*, 178.

and his place was taken by Isaac Van Zandt, who was instructed to keep his government advised, so far as he might be able, of the feeling relative to annexation, both in Congress and among the people of the United States.

This indifference of the United States government was suddenly changed to marked anxiety. In the summer of 1843 a truce between Mexico and Texas was secured by the efforts of the British and French ministers in Mexico, in order that there might be negotiations for peace. Thereupon Mr. Van Zandt was instructed to make an informal statement to the authorities at Washington "that the subject of annexation was not open to discussion." Texas had finally struck the key-note of the policy that was to win where humble and filial petition had failed. The evidence of a good understanding between Texas on the one hand and Great Britain and France on the other, and of the possible influence of these two nations in Texas affairs, suddenly awoke in the United States government a sense of the risk it might be incurring by its refusal to consider the subject of annexation. In the words of Jones, "This aroused all the dormant jealousies and fears of that government, the apathy of seven years' sleep over the question was shaken off, and a treaty of annexation proposed to be celebrated."[1]

[1] Jones, *Letters Relating to the Hist. of Annex.*, 8; Jones to Van Zandt, July 6, 1843, MS. *Diplomatic Correspondence of Texas*, file 1068.

The uneasiness thus awakened at Washington was much increased by reports that began to reach the government concerning a proposed use of British influence in Texas towards the abolition of slavery. One of these reports came through a private letter from "a citizen of Maryland," said to have been Duff Green, a friend of Calhoun. Benton asserts that the letter was intended for public use, and was paid for out of the contingent fund of the state department.[1] Whether this be true or not, the story was sensational. It was to the effect that S. P. Andrews, of Houston, Texas, was seeking to get the support of the British government for a plan to abolish slavery in the republic by indemnifying the slave-holders.[2] According to the "citizen of Maryland," who gave the Texan minister at London as his authority, that government had agreed to guarantee interest on a loan for the purpose, to be repaid with Texan lands, if the government of the republic would abolish slavery.

Upshur, the United States secretary of state, who must be regarded as speaking for President Tyler, credited the tale and thought the plan was a vast and deep-laid scheme on the part of England to abolish slavery throughout America, in order to save English sugar and cotton industries in the East and West Indies from the competition of the United States, and to acquire a dominant influence

[1] Benton, *Thirty Years' View*, II., 590.
[2] *Senate Docs.*, 28 Cong., 1 Sess., No. 341, p. 18.

in the councils of Texas and a monopoly of the Texas trade. A more real danger that he foresaw was the possibility of friction from a Texas without slavery and beyond the limits of the Union, yet adjacent to the slave state of Louisiana. On August 8, 1843, he wrote W. S. Murphy, the United States *chargé* in Texas, telling of the report and his fears, and asking for further information.[1] Murphy's reply, based on the statements of several citizens who had conversed with Andrews after his return from England, went to confirm the story which had reached Upshur.

Andrews appears to have been a peculiar and interesting character. He was a native of Massachusetts, who had come to Texas from New Orleans in 1839. Settling in Houston, he began work in his profession of the law, and acquired considerable property. He was a thorough-going abolitionist, with energy and courage enough for anything; but his zeal seems to have been not according to knowledge, and he perhaps went beyond his warrant in drawing inferences from the courteous statements of the British diplomats. Apparently he had been himself the main agent in circulating the statements that had come through the "citizen of Maryland" to Upshur. When he came back from London and the people of Houston learned the object of his mission, they drove him

[1] *Niles' Register*, LXVI., 164; *Senate Docs.*, 28 Cong., 1 Sess., No. 341, pp. 18–23.

away by force and would not suffer him to return.[1]

The department of state at Washington must have had other information that served to stimulate its fears of British influence in Texas. Duff Green had written Calhoun on the subject as early as August 2, 1842.[2] This letter may not have been known to Upshur, since it is not the one he quoted to Murphy; but the statement it contained as to the attitude of Great Britain towards slavery in Texas must have attracted Calhoun's attention and obtained a degree of circulation among those in the councils of Tyler's administration. January 25, 1843, Ashbel Smith, the Texan minister to England and France, wrote Isaac Van Zandt, the *chargé* of the republic at Washington, that in July, 1842, a person having relations with the British government had inquired of Smith whether Texas would be willing to abolish slavery if equivalent advantages were offered by England to Texas; and whether it might not be possible to divide the republic into two states, with the Colorado as the boundary between them, the eastern to be slave-holding and the western to be free.[3] The man who made these

[1] Murphy to Upshur, September 24, 1843, in *Senate Docs.*, 28 Cong., 1 Sess., No. 341, p. 23. Andrews subsequently became an author of some note; see *Appleton's Cyclopædia of Am. Biog.*, art. Andrews.

[2] Am. Hist. Assoc., *Report*, 1899, II., 846.

[3] Smith to Van Zandt, January 25, 1843, MS. *Diplomatic Correspondence of Texas*, file 1696.

propositions said that he did it with the knowledge of the Earl of Aberdeen, the English minister of foreign affairs, who had given it as his opinion that immigration into the free state would result in driving slavery from Texas altogether. The statements in Smith's letter were no doubt communicated to Upshur, who must have known something also of the contents of a confidential communication from the Texan ministers at Washington to Calhoun enclosing an extract from a letter written by Smith, July 31, 1843,[1] relative to the subject of slavery in the negotiations of Great Britain with Texas. Putting all things together, it seems certain that the information possessed by the department of state at Washington in the summer of 1843 was such as to lead to the conclusion that British influence was working strongly in Texas, and that it was one aim of Great Britain to secure the abolition of slavery in that republic.[2]

Tyler and Upshur therefore decided to forestall such an event by concluding a treaty of annexation with Texas. The negotiations, so far as they are on record, began October 16, 1843, with a letter from Upshur to Van Zandt, offering to reopen the subject. October 19, Van Zandt replied that he had sent to Texas for instructions.[3] But President Houston assumed an attitude of indifference and

[1] Am. Hist. Assoc., *Report*, 1899, II., 866–868.
[2] Cf. Worley, in Tex. State Hist. Assoc., *Quarterly*, IX., 27–31.
[3] *Senate Docs.*, 28 Cong., 1 Sess., V., No. 341, p. 37.

caution, and there was some difficulty in reaching an agreement. It was suggested that the chances for the ratification of the treaty were not good; and that, if it should fail, the alienation of England would leave Texas "in an extremely awkward situation." [1] But the Texans were assured that the requisite number of votes in the Senate would not be lacking.[2] Then Houston demanded that United States troops be placed near the Texan border to protect that country against Mexico in case of invasion during the progress of the negotiations; and that, if the treaty failed, the United States should guarantee the independence of Texas.[3] The United States *chargé*, Murphy, assented to the first condition;[4] whereupon J. P. Henderson was sent to act with Van Zandt, and the treaty was soon concluded.

The proposition that Texas should be protected by the United States troops while the question of annexation was pending was first made in a letter from Van Zandt to Upshur, dated January 17, 1844, asking whether the president of the United States, at the request or with the consent of Texas, after the treaty was signed and before its ratification, would concentrate on the borders of Texas and in the Gulf sufficient forces for the purpose. This

[1] Henderson to Jones, December 20, 1843, in Jones, *Repub. of Tex.*, 278.

[2] *Senate Docs.*, 28 Cong., 1 Sess., V., No. 341, p. 47; cf. Tyler, *Tylers*, II., 284–286.

[3] *Niles' Register*, LXVI., 231.

[4] Murphy to Tyler, February 17, 1844, in Tyler, *Tylers*, II., 287.

letter was unanswered at the time of Upshur's death. Houston's demand, made February 14, was that the troops should be used if the invasion occurred at any time after the negotiations opened; and Murphy's pledge to that effect, as stated above, was given at once. April 11, the day before the signing of the treaty, Calhoun answered Van Zandt's note to Upshur of January 17, informing him that President Tyler had ordered the concentration of a force on the Texas border and in the Gulf, that would be used, if necessary, to prevent invasion by Mexico subsequent to the signing of the treaty. April 12, Murphy reported to the Texas government that his promise to use the troops before the treaty was signed was disapproved by his government and must be rescinded. The intention of the United States government as to the point of international law involved was thus made plain: that government would interfere to prevent an invasion of Texas by Mexico from the time the treaty should be signed, but not before that result.[1]

The forces ordered to the Texas frontier included sixteen companies from Jefferson Barracks, near St. Louis, which were added to the seven already at Fort Jesup, in Louisiana, near the Sabine, raising the force there to eleven hundred and fifty; and three vessels of the home squadron, then at Norfolk, which were directed to join the three belong-

[1] For the correspondence on the subject, see *Niles' Register*, LXVI., 230–233.

ing to the same squadron cruising in the Gulf under Commodore Conner.[1] Orders were given Conner to communicate frequently with Galveston and to show himself occasionally before Vera Cruz.

While the negotiations for the treaty were in progress the United States government was also in correspondence with that of Great Britain concerning the attitude of the latter towards Texas. September 28, 1843, Upshur wrote to Everett, United States minister to England, complaining that certain statements of the Earl of Aberdeen concerning Texas made in the House of Lords on August 18 indicated the abolition of slavery, not only in that republic but throughout the whole of America, to be a feature of British policy. In reply, Aberdeen admitted the desire of Great Britain for such abolition, and its policy of giving advice to that effect where the cabinet thought it would be acceptable; but denied that his government had made, or intended to make, the subject a matter of treaty stipulations with Texas. He denied also that he had given Andrews any encouragement.[2] This, however, failed to quiet the agitation in the United States, which was working blindly but effectively in behalf of Texas; and on December 26, 1843, Aberdeen sent Pakenham, the British minister at Wash-

[1] *Senate Docs.*, 28 Cong., 1 Sess., V., No. 341, pp. 75–81; *Niles' Register*, LXVI., 177.

[2] For the correspondence relative to British policy towards Texas beginning with this letter, see *Senate Docs.*, 28 Cong., 1 Sess., V., No. 341, pp. 27–67, passim.

ington, a communication defining again the attitude of the government of Great Britain relative to slavery in Texas. Aberdeen asserted frankly that, as the whole world must know, Great Britain desired, and was "constantly exerting herself to procure, the general abolition of slavery throughout the world"; but he disavowed any "occult design" in seeking to influence either Texas or Mexico.

For some reason, Pakenham failed to transmit this despatch till February 26, 1844. Two days later Upshur was killed by the accident on board the *Princeton*, and after a short interval John C. Calhoun was appointed to succeed him. April 18, in reply to Aberdeen's communication, Calhoun wrote Pakenham expressing concern at the avowal of Great Britain's attitude towards slavery "throughout the world," and especially at the acknowledgment of her desire to see slavery abolished in Texas. He sought to show how disastrous the accomplishment of this desire would be to the interests of the United States, and to prove by statistics dealing with the relative number of negro defectives in the free and the slave states that the policy of abolition would be "neither humane nor wise." In the same communication he announced the conclusion of a treaty of annexation between the United States and Texas, intended to avert the danger to American interests which he had described. Pakenham replied immediately, denying the responsibility of Great Britain for the policy of annexation, and as-

serting that the British government had given no provocation that would justify the measure. A few days later Calhoun closed the correspondence with a rejoinder reiterating what he had already affirmed, and stating that the United States would shun no fairly imputed responsibility for annexation.

The terms of the treaty were less favorable than Texas might have desired. It provided that Texas should be annexed to the United States as one of its territories, "subject to the same constitutional provision with their other territories." This, of course, would have left it possible for Congress to prohibit slavery in the whole or a part of Texas, or to make an anti-slavery constitution a condition of statehood. Of the other provisions, the most important were that Texas should surrender its public lands, and that the United States should assume the Texan indebtedness to an amount not exceeding ten million dollars.

The treaty was signed April 12, 1844, and ten days later it was transmitted to the Senate with a message from Tyler strongly urging its adoption. The negotiation had been conducted with great secrecy.[1] March 16, references to it appeared in the *National Intelligencer* and in *Niles' Register*, and the fact of its having been signed was announced in

[1] For an explanation, see the letter of William Penn in the *Madisonian*, April 25, 1844, quoted by Tyler in *Tylers*, II., 278, *n.* 2.

the papers; but an attempt by a Washington correspondent, published in the *Register* for April 13, to state the conditions of the treaty, shows how little reliable information had been given to the public. When, however, it had been laid before the Senate and had been printed with the accompanying documents for use by that body alone, a copy found its way, through the agency of Senator Tappan of Ohio, to a New York newspaper. Tappan apologized to the Senate, but was severely censured.[1] The injunction of secrecy was then removed, and twenty thousand copies of the treaty and documents transmitted therewith were ordered to be printed for the use of the Senate.[2]

The vote was taken June 8, 1844. In the mean time Clay and Van Buren had come out against annexation; the Whig and Democratic conventions had been held; Clay had been nominated for the presidency by the Whigs and Polk by the Democrats; and the annexation of Texas had been made a plank of the Democratic platform. The policy of annexation thereby became a party question, and previous calculations as to the probable vote were entirely upset. The Senate was composed of twenty-three Democrats and twenty-nine Whigs. Of the Whigs, all but Henderson of Mississippi stood by Clay, and thus insured the rejection of

[1] *Senate Exec. Journals*, VI., 268–273.

[2] They were printed in *Senate Docs.*, 28 Cong., 1 Sess., V., No. 341.

the treaty. Henderson's affirmative vote is the only one that by any sort of logic could be charged to the influence of slavery. The Democrats were not united; and it was thought necessary to give to the press a letter from Jackson condemning the senator who should vote against the treaty as a traitor to the best interests of his country.[1] Nevertheless, there was soreness over the leaving-out of Van Buren by the convention at Baltimore, and for this or other reasons eight of the Democrats broke ranks when the vote occurred.[2] One, Hannegan of Indiana, declined to vote, and absented himself when the vote was taken; it stood, therefore, 16 ayes to 35 noes; of those voting aye five were from free states, and of those voting no fifteen were from slave states.

It is interesting to speculate on what the result would have been if the treaty had been ratified in the form in which it was signed. The policy of compromise which so characterized the history of the United States up to the Civil War would doubtless have secured the admission of Texas as a slave state; but it is not easy to say what the price of admission would have been. The anti-slavery element would have had a much better chance in the compromise of 1850, and might have driven a better bargain. The treaty would also have taken from Texas her public lands, whose value was not then understood, but which have played a most

[1] *Niles' Register*, LXVI., 241. [2] *Ibid.*

important part in the development of the state. On the whole, Texas has reason to be thankful, in the light of subsequent events, that the treaty was not ratified.

CHAPTER IX

THE ELECTION OF 1844

(1843–1844)

THE question of the annexation of Texas was now before the people. Whig success in the approaching election would certainly postpone it, with what further effect on the movement none could say; while a victory for the Democrats would insure renewed agitation of the subject and very likely the consummation of the policy. As the politicians turned their faces to the future and began to forecast results, they were evidently much in the dark; local sentiment in Massachusetts or in South Carolina they could judge with sufficient assurance, but what the composite verdict would be they could not tell. In 1840 the Whigs had swept the field; but the disorganization that came in the quarrel with Tyler made their triumph little better than defeat. The congressional elections of 1842 changed their majority of about forty in the lower House to one of more than seventy for the Democrats.[1] The signs of the times then pointed strongly to a Democratic victory in 1844 as complete as that

[1] *Niles' Register*, LXV., 213.

of the Whigs in 1840. But the issue of annexation, thrust into the campaign against the wishes of those who preferred a simple contest for the offices, made the confusion and uncertainty fairly bewildering. To the trimmers it proved a most distressful and disastrous season.

It had, in fact, begun to appear, as the time for the conventions of 1844 approached, that the Texas question was going to be an issue, whether the politicians would or no. The treaty of annexation was before the Senate while the conventions were in session, and the agitation of the subject became so warm that those aspiring to be president could no longer avoid some kind of declaration concerning it. Clay and Van Buren had conferred together, it is said, and both declared themselves in opposition to the policy of immediate annexation. It is charged that the simultaneous publication of their letters[1] to that effect was a scheme agreed upon to damage Tyler by joining in resistance to the movement and keeping it, as far as possible, out of the canvass.[2] If there was such a plan, the Whigs carried it to the extent of refusing the subject a place in their platform; but the Democrats could not take that ground.

Jackson seems to have recognized from the first the danger of precipitating this question.[3] The election of Van Buren, whom the "factious Sen-

[1] Republished in *Niles' Register*, LXVI., 152–157.

[2] Tyler, *Tylers*, II., 308; cf. Schurz, *Clay*, II., 243; *per contra*, Schouler, *United States*, IV., 465 *n.*

[3] See p. 90, above.

ate" had refused confirmation as minister to England, was the end to which all things else, so far as might be, were made subservient.[1] This was triumphantly achieved in 1836, but the triumph could not be accepted as complete with the capture of only one presidential term. After the great disaster to the Democrats in 1840, though Jackson had not been able to save even Tennessee from the wreck, he still remained faithful to his *protégé*. During nearly the whole of the next four years it looked as if Van Buren, backed by the potent influence of the "Old Hero," would be again the candidate of his party; but in 1844 his political bark foundered on the rock Texas.

Strangely enough, this catastrophe was itself partly the work of Jackson, who had been led to declare himself concerning annexation, and whose declaration had been used to the great disadvantage of his friend and favorite. The letter in which Jackson gave his views on the subject was dated February 12, 1843, and was first published in the *Richmond Enquirer* for March 22, 1844. It was dated in the *Enquirer* February 12, 1844, but this change was probably only a printer's mistake; at any rate, it was copied into *Niles' Register* for March 30, 1844, with the date corrected.[2] As to the way in which the letter came to be written, there is really little need of the elaborate and im-

[1] See MacDonald, *Jacksonian Democracy* (*Am. Nation*, XV.), 192.

[2] *Niles' Register*, LXVI., 70.

probable explanation of Benton,[1] that Congressman Aaron V. Brown of Tennessee clipped from the *Richmond Enquirer* a letter on the subject by T. W. Gilmer, a friend of Calhoun's, and sent it to Jackson, asking what he thought of it—the whole affair having been prearranged for Calhoun's benefit. What Brown did was very natural without assuming any such plan; and it was not less so that Jackson should have given his opinion and that his answer should ultimately find its way into print. It must have been written with that possibility in view, and Jackson seems not to have objected to its publication. Interested as he was in Van Buren, he also had a deep interest in Sam Houston and the large number of other Tennesseeans who had made their homes in Texas; nor is it to be doubted that the fears he expressed in his letter of the British influence in Texas and a possible attack by Great Britain on the United States, accompanied by a slave insurrection in the Southwest, were genuine.

The publication of Jackson's letter did not prevent Van Buren from declaring against immediate annexation; and his manifesto to that effect, in answer to a letter written nearly a month before, appeared along with Clay's a few weeks later. Van Buren's conduct in taking this stand has been described as "perhaps the most courageous act of a public life which was not characterized by great

[1] Benton, *Thirty Years' View*, II., 587.

courage."[1] The declaration might be regarded as more courageous if it had been made in time to give his enemies a chance to prevent the movement for his renomination; but when the letter appeared the prize seemed to be already in his hands, a large majority of the delegates to the Democratic convention being either instructed for him or understood to be in his favor.

The earliest convention held to nominate a candidate for president to succeed Tyler was one whose importance did not become evident till after the election. This was the convention of the Liberty party at Buffalo, in August, 1843, composed entirely of abolitionists. It represented relatively few voters, but enough to hold the balance between the Whigs and Democrats in New York, and—as the event showed—in the United States as well. It nominated James G. Birney of Michigan for president, and Thomas Morris of Ohio for vice-president, and adopted a platform consisting of a long series of resolutions, but presenting only the one issue of slavery, which was condemned in the strongest and most uncompromising terms. The platform contained no direct reference to Texas, because annexation did not then appear to be in prospect; but the case was perhaps sufficiently covered by a denunciation of the policy of allowing the extension of slave territory.[2]

[1] Stanwood, *Hist. of the Presidency*, 210.
[2] *Niles' Register*, LXV., 47.

The next convention was that of the Whigs, which met in Baltimore, May 1, 1844. As the time for it drew near the prospects for that party seemed really better than for the Democrats. Van Buren's letter on Texas had destroyed his availability, and there was none else on whom the "Locos," as his followers were called,[1] could unite with enthusiasm. Among the Whigs, on the other hand, the leadership of Clay was undisputed. His nomination was certain, and it was evident that he was the strongest candidate his party could select. But he could not see his way clearly amid the confusion, and the party had no safer intuitions than its leader.

When the convention met, Clay was nominated for president unanimously and without a contest; and only four ballots were required to nominate Theodore Frelinghuysen of New Jersey for vice-president. The platform was worthy of the leading candidate. It consisted of four resolutions, three of which were devoted to commendation of the nominees. The other, which stood second in the series, was a very brief and general statement of Whig principles, which carefully avoided the most dangerous issues. Nothing was said of a national bank, which the Whigs had supported so determinedly at the outset of the Tyler administration, and, above all, nothing of Texas.[2]

[1] Lalor, *Cyclopædia*, II., 781.

[2] A report of the proceedings is in *Niles' Register*, LXVI., 146–148.

In the mean time the prospects of Van Buren were becoming worse every day. An editorial in *Niles' Register* for May 11, relative to the approaching convention, says: "Notwithstanding the apparent certainty, three weeks ago, that Mr. Van Buren would be the nominee of that convention, there is now great uncertainty of the result"; and the situation is illustrated by a number of items quoted from leading newspapers showing the progress and strength of the reaction throughout the country.[1] Long delayed as his letter against annexation was, it came in time to work his political destruction. Jackson was asked to save him, and responded with another letter, which first appeared in the *Nashville Union* for May 16, and in which he refused to give up either Van Buren or immediate annexation. He had, however, much to say of the issue, and only a brief commendation of Van Buren's character, excusing him with almost brutal frankness on the ground that he hadn't kept up with the subject. The mischievous potency of such a letter needs no explanation.[2]

The Democratic convention met in Baltimore May 27. A majority of the delegates were instructed for Van Buren, but many even among that majority did not wish to see him nominated. The first step towards compassing his defeat was taken in the adoption of the two-thirds rule. The initial ballot showed 146 votes for Van Buren, with

[1] *Niles' Register*, LXVI., 161–163. [2] *Ibid.*, 193.

120 distributed among six others, Cass having 83 and Calhoun 6. This ballot was marked especially by the sectionalization which was then becoming such an ominous feature of American politics; only twelve votes from the South were cast for Van Buren, and only twenty-three from the North against him. On the second ballot his majority declined to a plurality, and on the fifth it became a minority, Cass leading with 107 votes, while Van Buren had only 103. On the eighth ballot James K. Polk of Tennessee was given 44 votes, and on the ninth Van Buren was withdrawn, and amid great enthusiasm Polk was unanimously nominated.[1]

The convention then proceeded to a choice of a candidate for the vice-presidency. Silas Wright of New York was nominated almost unanimously, but on being notified by telegraph he peremptorily declined. An effort had previously been made to induce him to allow the use of his name for the first place if that of Van Buren should be withdrawn; but he was Van Buren's personal and political friend, and he steadfastly refused.[2] The same disinclination to profit by the defeat of Van Buren led him to decline the honor proffered him by the convention. Finally, George M. Dallas of Pennsylvania was nominated.

Polk was not an unknown man. He had been a

[1] For the proceedings, see *Niles' Register*. LXVI., 211–218, 227.
[2] For his reasons as he gave them, see *ibid.*, 295.

member of Congress from 1825 to 1839, and during the last four years of that time, when the memorable contest over the right of petition was going on, he had been speaker of the House. In 1839 he was put forward by the legislature of Tennessee for vice-president, but Richard M. Johnson of Kentucky was nominated by the national convention. In the same year Polk was elected governor of Tennessee. In 1841 and 1843 he was again a candidate for this office, but was beaten in both instances. As the time for the Democratic convention of 1844 approached he developed considerable strength as a candidate for the vice-presidency again, being nominated for that place by conventions in Tennessee, Mississippi, and Arkansas; but even as second on the ticket he had less general support than R. M. Johnson. The nomination came to him simply as an available man, who was on record in favor of annexation. He was not a man that his party could afford to parade before the people as the Whigs paraded Clay.

The platform of the Democrats, while it mentioned the nominees and contained a strong expression of gratitude towards Van Buren and unimpaired confidence in him, intended to sugar-coat the pill of his defeat, dealt with issues rather than with men. It was detailed and explicit as to all the more important political questions of the time. The resolution referring to the issue on which Van Buren had lost and Polk had won the nomina-

tion asserted that "the re-occupation of Oregon and the re-annexation of Texas are great American measures, which the convention recommends to the cordial support of the Democracy of the Union."

It is not to be supposed that the mass of delegates who voted for this resolution reached their conclusions through any careful study of the complicated questions involved. They simply gave expression to a widely prevalent desire and determination which it was dangerous to resist, and which sought rather to accomplish its purposes than to justify itself. The wish to extend the slave-holding area was one of its elements, but not the strongest. Sectional antagonism helped to confuse it, West against East as well as North against South, and commercial motives had their part.[1] But in spite of its complexity it was essentially an impulse to possess both Texas and Oregon, which was stronger than the dislike of slavery, the fear of war, or any scrupulous consideration as to how the desired enlargement should be brought about.

The term "re-annexation" as applied to the movement then under way to acquire Texas would be difficult to justify. The evidence existing at the time of the Louisiana purchase that Texas was a part of it has since been somewhat strengthened,

[1] See speech of Hamlin, in *Cong. Globe*, 29 Cong., 1 Sess., 186–189; of Davis, *ibid.*, 318–320; and of Calhoun, *ibid.*, 27 Cong., 3 Sess., App., 141.

but still seems insufficient to warrant such a conclusion.[1] "Re-occupation," as applied to Oregon, will be considered later.

Four interesting incidents serve to make the Democratic convention of 1844 memorable: Polk was the first "dark horse" that was winner of the race for a presidential nomination; the first "stampede" in a national convention was that by which he was nominated on the second ballot after his name had been presented; it was this convention that was first to have its proceedings reported by telegraph; and Silas Wright was the only man who has ever declined a nomination by one of the strong parties for first or second place on the national ticket, after it was made.

Contemporaneously with the Democratic convention was held in the same city what was known as the Tyler convention. To judge from Niles' report of its proceedings, most of the states were represented; but the convention could hardly have been composed of delegates from organized bodies of voters.[2] Tyler's enemies asserted that it consisted mainly of office-holders; but this charge cannot be said to rest on any satisfactory statistical basis. Tyler afterwards wrote Wise that there were "a thousand delegates, and from every state

[1] For the affirmative view, see Adams, *United States*, II., 7; for the negative, Ficklen, "The Louisiana Purchase *vs.* Texas" (Southern Hist. Assoc., *Publications*, V., 351–387); cf. Channing, *Jeffersonian System* (*Am. Nation*, XII.), 77–79.

[2] *Niles' Register*, LXVI., 218–220.

in the Union."[1] The convention was an effort to put Tyler forward along with the issue which he had done more than any other man to raise, and its purpose was well expressed in the cry that rang through its proceedings of "Tyler and Texas." It nominated the man of its choice, and he accepted. But for the fact that he was without a party he would have been the most logical candidate on an annexation platform; but it soon became evident that the mass of annexationists would not follow his lead, and on August 20 he withdrew. His own explanation was that he was only endeavoring to prevent the proscription of his friends and to insure the success of the measures with which his administration was identified.[2]

The campaign was enthusiastic, but not as much so as that of 1840. The Democrats were to a certain extent estopped from noisy demonstrations by the first resolution of their platform itself, which was as follows: "Resolved, That the American democracy place their trust not in factitious symbols, not in displays and appeals insulting to the judgments and subversive of the intellects of the people, but in a clear reliance upon the intelligence, the patriotism, and the discriminating justice of the American masses."[3] To this they had added many expressions of contempt for the Whig methods of the previous canvass; nevertheless, the mem-

[1] Tyler, *Tylers*, II., 317. [2] *Ibid.*, 341.
[3] *Niles' Register*, LXVI., 227.

ory of its disastrous results made them fear to let the Whigs do all the shouting.

Clay's utterances during the campaign did little to help the Whigs. While he declared himself against immediate annexation, he did not dare to speak without equivocation, and he explained until none knew just what his views were and what policy he would probably adopt if elected. In his so-called "Raleigh letter," in which he first came out against the policy, he had said that he did not think "that Texas ought to be received into the Union, as an integral part of it, in decided opposition to the wishes of a considerable and respectable portion of the confederacy";[1] and this cost him many votes in the South, where he was charged with courting the abolitionists. Seeking to defend himself against the charge in one of his "Alabama letters," he declared that he did not think "that the subject of slavery ought to affect the question, one way or the other";[2] and this lost him many northern votes. He did not venture to invoke, except in the most negative way, the support of those who were opposed to the expansion of slavery, nor could he afford to do so; for it would have broken his hold upon the states most faithful to him. The result was that his explanations simply contributed to his defeat.

It is an unfortunate aspect of national politics in the United States that a single clearly defined and

[1] *Niles' Register*, LXVI., 153. [2] *Ibid.*, 439.

uncomplicated issue is rarely submitted to the mass of voters. Thus it becomes exceedingly difficult to ascertain the true significance of a national election; platforms are too often simply evasive; principles are presented in groups with the emphasis undistributed. The mere fact of material prosperity or depression during the time in which a political party has been in control of the government, though due to causes purely economic in their nature, counts for much in determining whether that party shall be continued in power. Shrewd campaign management is itself a most important factor. On the whole, American political struggles are so complicated and confused that it is often hard to tell the real causes of victory or defeat. Under such conditions the value of political experience is greatly reduced. It is to be hoped that in the course of time the development of a simpler system will reduce or destroy the chance to cloud issues and win by deception, and will make the popular verdict at the polls more understandable.

Nevertheless, no political campaign in the history of the United States has been more thoroughly dominated by a single issue than that of 1844. The situation seems to have been well understood by all parties, and there appears no sufficient reason why the possible operation of the disturbing factors in the contest should not have been clearly foreseen by those who permitted them to enter it. The best explanation of the result undoubtedly is that Polk

won because the people of the United States wanted Texas.

The election was close. Polk had an electoral majority of sixty-five, but not a majority of the popular vote, and his plurality was less than forty thousand.[1] This, however, would have been considerably larger but for the fact that there was no popular vote for presidential electors in South Carolina; for in that state they were chosen by the legislature. Seven free states voted for Polk, and six for Clay; while Polk carried eight slave states and Clay five. New York and Michigan were lost to Clay by the defection of the abolitionists. Benton alleges[2] that New York would have been carried by the Whigs but for the strength of Silas Wright, who was the Democrats' candidate for governor at the same election and ran several thousand votes ahead of his ticket. It is an interesting and peculiar fact that the combined influence of Jackson and Polk was unable to save Tennessee for the Democracy; the contest was exceedingly strenuous, but the state went for Clay by a majority of one hundred and thirteen.

If, in seeking to determine the true popular verdict, it were assumed that New York and Michigan were really opposed to the annexation of a slave-holding Texas, and the electoral vote of those states were transferred to Clay, it would give him a ma-

[1] Stanwood, *Hist. of the Presidency*, 223.
[2] Benton, *Thirty Years' View*, II., 626.

jority of seventeen in the electoral college.[1] On the other hand, it would be a much safer assumption that Kentucky and Tennessee—not to speak of Ohio and North Carolina—went for Clay on purely personal grounds; and that the people of those two states, if they had faced only the simple question of annexation, would have voted in favor of acquiring Texas as soon as possible. But with Michigan and New York transferred to Clay, and Kentucky and Tennessee to Polk, the election would still have gone to Polk. On the whole, it seems impossible to interpret the vote otherwise than as an approval of the policy of annexation.

Charges of fraud in the election were freely made on both sides. The canvass was marked by the circulation of various far-fetched and unnecessary falsehoods,[2] and the Whigs especially charged the Democrats with flagrant misconduct in New York and Louisiana. Unfortunately we have become only too familiar with such charges, and are too often forced to credit them; yet it is by no means easy to sift the evidence concerning them, to fix the responsibility, or to ascertain precisely how they affect results. The most strongly emphasized charge against the Louisiana Democrats referred to the so-called "Plaquemines fraud," which deserves a brief examination.

[1] Cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), 319.

[2] Tyler, *Tylers*, II., 352; *Niles' Register*, LXVI., 372, LXVII., 73.

It was charged that the Democratic majority in the parish of Plaquemines, which decided the election for the state, was due to illegal voting and repeating by a boat-load of people brought into the parish from New Orleans by a group of persons including John Slidell, who was afterwards sent by President Polk as envoy to Mexico, and was one of the Confederate commissioners involved in the Trent affair of 1861.[1] That a large part of the Democratic vote in Plaquemines Parish was cast by persons brought there for the purpose from New Orleans is frankly admitted in an address to the citizens of Louisiana, in the *New Orleans Courier* of November 13, 1844, signed by Slidell and eight others who had been concerned in conveying the contingent from the city to Plaquemines; but they positively denied either the intention or the actuality of fraud. They asserted that they carried only those who had not already voted in the city, where the election was held two days earlier than in Plaquemines, and that all proper precautions were used to prevent unqualified persons from voting. The signers of the address declared that this action was strictly in accord with the constitution and laws of the state, and with the opinions and acts of various prominent Whigs, whose names were given, and they invited the most rigid scrutiny of their con-

[1] Sargent, *Public Men and Events*, II., 248; Stanwood, *Hist. of the Presidency*, 224.

duct. On the whole, though there was considerable evidence of actual illegality in the vote of Plaquemines,[1] it was by no means sufficient to prove that Louisiana was carried for Polk by fraud.

[1] See *New Orleans Bee*, November 23, 25, 1844.

CHAPTER X

ANNEXATION OF TEXAS BY JOINT RESOLUTION OF CONGRESS

(1844–1846)

IT was evident that the Texas question had not been settled by the failure of the treaty. The agitation both in the North and in the South that accompanied the progress of the measure was ominous. In March, 1843, when the news began to spread that there was a prospect of the revival of the question, thirteen members of Congress, headed by John Quincy Adams, signed an appeal to the people of the free states protesting against the annexation of Texas, and declaring that it would be identical with dissolution of the Union.[1] But when the opposition to the treaty in the Senate began to be noised abroad, the cry that rose from South Carolina was vehement and full of wrath. Even before the treaty was rejected mass-meetings at Ashley and Beaufort declared in favor of giving up the Union rather than Texas, and called for a convention of the slave states to consider the question of annexing Texas to the Union, or, if the United

[1] *Niles' Register*, LXIV., 173–175.

States would not accept it, to the southern states.[1] The cry was echoed from various parts of South Carolina, but was confined mainly to that state. Ritchie of the *Enquirer* objected strongly to the meeting of such a convention at Richmond; and the citizens of Nashville protested against its being held there.[2] The popular movement was therefore deferred till the time should ripen further, and the subject was left to the action of the government.

The president took the initiative promptly and in very decided fashion. On Monday, June 10, he transmitted to the House the treaty rejected on Saturday, June 8, with a message and papers including not only those which had been made public by the Senate, but others which it still held secret. These he sent because he considered them necessary for any understanding of the question; and he felt that his duty required him to lay the whole subject before the House. He argued that the question was in no way sectional or local; that to negotiate in advance for Mexico's consent would have been offensive to that nation, as well as an admission that the recognition of the independence of Texas was "fraudulent, delusive, or void"; that the question of boundary between the United States and Mexico could properly arise only after annexation, and had purposely been left open; and that objec-

[1] *Niles' Register*, LXVI., 229; Benton, *Thirty Years' View*, II., 616–619. [2] *Niles' Register*, LXVI., 346, 391.

tions to expansion were futile, and prompt action was necessary. In conclusion he expressed himself as follows: "So much have I considered it proper for me to say; and it becomes me only to add that while I have regarded the annexation to be accomplished by treaty as the most suitable form in which it could be effected, should Congress deem it proper to resort to any other expedient compatible with the Constitution and likely to accomplish the object I stand prepared to yield my most prompt and active cooperation.

"The great question is not as to the manner in which it shall be done, but whether it shall be accomplished or not." [1]

This final statement of Tyler's submitted the plan in such a way as to give it the best chance before Congress. It was really an appeal to the Democrats: after the deliverance of that party in convention on the subject, its members in the House, who had the majority, could not be expected to question the desirability of annexation; nothing except some scruple as to the method could interfere with it there. As to the Senate, it was sufficiently evident that the Democrats must be relied on to furnish the main support for the measure. But the Whigs, though in a majority, were not pledged to oppose it; and, unless the senators of that party showed themselves more stanch than its candidate for the presidency, surely enough of them could be

[1] Richardson, *Messages and Papers*, IV., 323–327.

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forced into line, as Henderson had been,[1] by the will of their constituents to insure its success. The wrongs of Van Buren would soon be forgotten, and recalcitrant Democrats like Benton would find it difficult to hold out against the great body of their political associates. So Tyler must have thought; and, though by a very narrow margin, it ultimately so proved.

On May 23, before the treaty was rejected, McDuffie of South Carolina introduced into the Senate a joint resolution providing for annexation on the terms agreed upon in the negotiations, and this resolution remained in its place on the calendar. After the formal rejection of the treaty and the reception of Tyler's special message, Benton was ready at once with a bill which he introduced, June 10, to authorize the president to negotiate for annexation and the adjustment of boundaries both with Texas and with Mexico.[2] This authority he claimed was necessary, because annexation contemplated the admission of a new state into the Union, for which Congress alone had the necessary power. On June 11 Benton's bill was read a second time, and McDuffie's resolution came up in regular order, and was laid on the table by a vote of 27 to 19.[3] This was, at any rate, less discouraging than the vote by which the treaty was rejected. Two days later Benton's bill was tabled by a vote of 25 to 20, and on June 17

[1] See p. 120, above.

[2] *Cong. Globe*, 28 Cong., 1 Sess., 699–703.

[3] *Ibid.*, 707.

Congress adjourned without further action on the subject.

The victory of Polk in the November following called for the transmutation of Democratic platform utterances into a positive policy, and the twenty-eighth Congress gathered for its second session with a new sense of the importance of annexation. President Tyler, in his fourth annual message, attacked the subject once more. He said, among other things, that the interests of the United States demanded the cessation of war between Mexico and Texas, but friendly efforts to stop it had hitherto proved vain; that, because of the complaint that the treaty had not been submitted to public opinion in the United States, he had felt bound to lay it before Congress as the best expounders of that opinion; that, since no definite action had been taken by Congress, the question had "referred itself" to the states and to the people, and that by the election a controlling majority of the people and a large majority of the states had declared in favor of immediate annexation. The two governments having, through their respective agents, agreed on the terms, he recommended the adoption of these terms by a joint resolution to be binding on both countries when ratified by the government of Texas.[1]

Congress took up the question at once. In the Senate, McDuffie reintroduced his resolution and

[1] Richardson, *Messages and Papers*, IV., 340–345.

Benton his bill, and other propositions were offered, all going to the committee on foreign relations;[1] but no progress was made till after the House had acted. In this body still more numerous bills and resolutions for annexation were introduced, including one from the committee on foreign affairs, reported by its chairman, Charles J. Ingersoll, which was substantially identical with that offered by McDuffie in the Senate.

Meanwhile there were continued and strong indications that neither the "people" nor the "States" —to use the terms of Tyler's message—had forgotten the subject. Petitions against annexation,[2] with now and then one in its favor,[3] poured in from the New England states, and New York especially; and resolutions both for and against it came from the legislatures of various states.[4] Senator Allen, of Ohio, a Democrat, was called on to present to the Senate resolutions adopted by the general assembly of his state protesting against annexation, and requesting its senators to do their best to defeat the measure. Both Allen, however, and his colleague, Tappan, also a Democrat, preferred to obey the mandate of the national Democratic convention rather than that of a Whig legislature. Henry Johnson, one of the two Whig senators from Louisiana, had, on the other hand, to present reso-

[1] *Cong. Globe*, 28 Cong., 2 Sess., 16, 19, 99, 129, 134.
[2] *Ibid.*, 73, 78, 89, 93, 133, 154, 178, 194, 211.
[3] *Ibid.*, 73, 237. [4] *Ibid.*, 92, 171, 211, 233, 277, 299, 397.

lutions from the Whig legislature of his own state in favor of annexation. In spite of the political complexion of the legislature, and of possible fraud in the presidential vote, he knew well that the sentiment of his constituents was strongly for the measure. He therefore voted for it; but his colleague, Alexander Barrow, stood firm in opposition.

The debate in the House was earnest and acute, and was enlivened now and then with fine flashes of humor. In offering his resolutions Charles J. Ingersoll said that in his canvass during the election he had put the question prominently before the people of his district, and had told them at every meeting that, "if elected, he should deem himself instructed to vote for the immediate annexation of Texas." Pollock of Pennsylvania replied by remarking that he was a Whig from a Democratic district, and that, since he was elected in spite of his openly expressed disapproval of the policy, he presumed that the majority in his district were against it. Winthrop of Massachusetts referred to annexation as the measure of one who was president, not by election, but by accident. This expression Douglas neatly turned against him by imputing the origin of the policy to John Quincy Adams, and suggesting that Winthrop referred to him as the president not elected by the people.

January 24, Adams made a personal explanation of his change of attitude towards Texas. The only unanswerable argument for annexation that he had

heard was that nature intended Texas for the United States, which must have it. As to the charge that he had originated annexation in 1825, he said he had proposed to purchase Texas with the consent of the owner, but the proposition now was to take it without that consent. Slavery did not then exist there, and he would be willing to take Texas now without slavery and with the consent of Mexico. He supposed that the treaty-making power included that to acquire territory; but there was no power to transfer a man from one country to another without his consent. To annex foreign territory was to dissolve the Union. He claimed that the merging of two sovereignties could be accomplished only by the people themselves.[1]

Adams deserves a hearing. No man was more thoroughly dominated by principle, but there was none — except, perhaps, Benton — that had a less consistent record as to Texas. Aside, however, from the inaccuracy of his assertion that slavery did not exist in Mexico in 1825, and from his ungrounded assumption that Texas still belonged to that country, his argument is good. The treaty-making power cannot properly merge the separate nationality of one country in that of another without an appeal to the people. And even from the stand-point of the nation that swallows up another in this way there are strong considerations in favor of resting action on the popular verdict; for the

[1] *Cong. Globe*, 28 Cong., 2 Sess., 188.

national life is profoundly affected by the process of expansion.

One of the arguments against annexation was that it would involve a war with Mexico. Though Texas had been practically independent for nearly nine years, and it had long been evident that Mexico could not enforce her pretensions to continued sovereignty over her former province, yet these pretensions were not abandoned. On the contrary, the Mexican government insisted that they should be treated with respect even by powers that had acknowledged Texan independence. Mexico would not concede that the war was over, although it had really lost the character of a national conflict and had degenerated into a series of ineffectual raids and counter-raids which served only to keep alive the mutual irritation. This attitude she persistently maintained, while it became constantly more evident that her claim was vain and unjustified.[1] The wound to her national pride involved in the loss of Texas and its incorporation with the United States can easily be understood; and that consideration, taken in connection with her relative weakness, naturally arouses sympathy. It is true also that the policy of discussing annexation at all, while Mexico remained unreconciled, was a legitimate subject for debate. But it is sufficiently evi-

[1] *Cong. Globe*, 28 Cong., 2 Sess., App., 311; cf. Rivera, *Hist. Jalapa*, III., 290, 291, quoted in Bancroft, *North Mex. States and Tex.*, II., 289.

dent that the tendency to accept the Mexican point of view, which has not been uncommon among American publicists and historians,[1] is due rather to the connection of the annexation movement with slavery than to any careful application of international law.

The joint resolution was at length passed by the House, January 25, 1845, by a vote of 120 to 98.[2] In the form then taken it was a modification of one that had been submitted on January 13 by Foster of Tennessee in the Senate and by Milton Brown of the same state in the House. In presenting the plan Foster remarked that, while he favored annexation "on just and proper principles alone, as he hoped and believed," he could not conceal his sympathy for the Texans, of whom, he estimated, one-tenth were from Tennessee. The resolution provided that the territory "rightfully belonging to the Republic of Texas" might be erected into the "State of Texas" in order to secure its admission into the Union; and that the consent of Congress was given on conditions and with guarantees as follows:

(1) Questions of boundary that might arise with other governments in forming the state were to be subject to adjustment by the United States government; and the constitution of the state, with proper evidence of its adoption by the people, was to be

[1] Cf. Schouler, *United States*, IV., 441.
[2] *Cong. Globe*, 28 Cong., 2 Sess., 194.

laid before the United States Congress for final action on or before January 1, 1846.

(2) The state was to cede to the United States all public edifices, ports, and harbors, and other property and means of public defence, and to retain its public funds, debts, taxes, etc.; and in no event were its debts to become a charge upon the government of the United States. A further provision for the cession of "all mines, minerals, salt lakes, and springs"[1] was stricken out.

(3) Additional states, not to exceed four in number, of convenient size and sufficient population, might be formed from the territory of Texas by its consent; and such states south of the Missouri Compromise line, 36° 30′, should be allowed to enter the Union with or without slavery as the people of each might desire; while in those north of the line slavery or involuntary servitude, except for crime, was to be prohibited. The last provision was suggested by Douglas, and was incorporated in the resolution just before its passage.[2]

Two interesting facts suggest themselves in connection with the third condition. The first is that it extended the Missouri Compromise to Texas, a provision which has some bearing on the later claim that that compromise was repealed by that of 1850. The second is that in the adjustment of the boundaries of Texas by the latter compromise all the territory north of 36° 30′, and therefore free soil by

[1] *Cong. Globe*, 28 Cong., 2 Sess., 128. *Ibid.*, 193

the terms of annexation, was cut off from the state; the northern boundary was fixed on the line of 36° 30′, and Texas was thus permanently impressed with the stamp of the Missouri Compromise.

The joint resolution went to the Senate, and was adversely reported on by the committee on foreign relations. The opposition emphasized mainly the question of its constitutionality, most of those who spoke against it claiming that Congress had no power to admit a state formed from foreign territory into the Union. On the last day of the debate, Walker of Mississippi offered an amendment to the resolution which was intended to give senators like Benton a chance to abandon their struggle against it without seeming to have completely yielded the point of constitutional law. It consisted of an additional section which gave the president the option of negotiating for annexation, instead of submitting the resolution as an offer to Texas.[1] The amendment was adopted, and the resolution passed the Senate by a vote of 27 to 25. All the Democrats voted for it, together with three Whigs: Henderson of Mississippi, Johnson of Louisiana, and Merrick of Maryland. Thomas Corwin, a most notable addition to the Whig ranks of the Senate, had already been elected senator from Ohio in place of Tappan. Could the exchange have occurred before the final vote took place, annexation would have been defeated. Two Democratic senators, Benton and Tap-

[1] *Cong. Globe*, 28 Cong., 2 Sess., 359.

pan, afterwards claimed that their votes, as well as those of two or three others, were secured by giving them the assurance that Tyler would not act on the resolution, but would leave it to Polk, who, as it was averred, had intimated that his choice would be negotiation.[1] Polk, however, has left on record an emphatic denial that he committed himself in any such way.[2] The forecast of Tyler's attitude seems to have rested on the opinion of McDuffie.[3]

The resolution now went back to the House, which, on February 28, passed it without further change by a vote of 132 to 76. The vote by which it had first been adopted in that body, January 25, showed twenty-two northern Democrats against it, twelve of them being from New York; while six southern Whigs, four of them from Tennessee, were for it. In the interval, however, between that time and the final passage of the resolution, the broken party lines had been restored, and the last vote showed little defection on either side. Only two southern Whigs—Dellet of Alabama and Chappell of Georgia—were recorded in favor of annexation; and two northern Democrats—R. D. Davis of New York and John P. Hale of New Hampshire—against it.

Tyler cared neither to negotiate nor to wait for Polk, and he despatched a messenger to Texas at

[1] Benton, *Thirty Years' View*, II., 635–638.
[2] See Polk, *MS. Diary*, July 31, August 1, and August 3, 1848.
[3] Benton, *Thirty Years' View*, II., 636, 638.

once with the offer of annexation. Had the situation in Texas been fully understood by the annexationists, there would have been more uneasiness among them than there was. Both Houston, who was president till the latter part of 1845, and Anson Jones, who then succeeded him, were doubtful in their attitude, and were popularly believed to be against the measure. On June 24, 1844, Aberdeen told Ashbel Smith that England and France would be ready, if the treaty of annexation failed (and it had already been voted down in the Senate June 8), to join the United States and Texas in a "diplomatic act" settling the boundaries and guaranteeing the independence of the republic, in which Mexico should, if necessary, be forced to acquiesce.[1] President Houston directed his secretary of state, Anson Jones, who was then president-elect, to close with the offer, giving pledges that would have put the policy of annexation thenceforth under the control of the governments from which the propositions came. Jones, however, suppressed the order, which did not come to light till four years later.[2]

The English government continued its efforts to prevent annexation, and they were now made less difficult by a more conciliatory attitude on the part of Mexico. Finally, through the joint mediation of England and France, the preliminaries of a treaty

[1] Smith to Jones, June 24, 1844, in MS. *Diplomatic Correspondence of Texas*, file 1714.

[2] *Niles' Register*, LXXIV., 413.

were signed by the authorities of Texas and Mexico, respectively, on March 29 and May 19, 1845. Mexico was to recognize the independence of Texas, on condition that Texas should pledge herself to give up annexation.[1]

It was annexation that Texas wished, and the news of the passage of the resolution by Congress offering it was received by the Texans with a wild outburst of joy. The *Telegraph and Register*, published at Houston, declared that "the news of the victorious battle of San Jacinto scarcely excited such general and enthusiastic rejoicing."[2] President Jones called a special session of the Texan congress and a convention to pass on the offer. Congress met June 16, and the convention July 4. There was no hesitation over the alternatives to be considered: the treaty with Mexico was rejected and annexation accepted by action that was unanimous in both cases, except for the vote of a single delegate to the convention.[3] The question was then submitted to the people, who on October 13 ratified the act of the convention, with only a few dissenting votes.[4]

Nothing further was needed for the consummation of the policy except the admission of Texas

[1] Worley, in Tex. State Hist. Assoc., *Quarterly*, IX., 34.

[2] In the issue for March 26, 1845.

[3] Gammel, *Laws of Tex.*, II., 1225–1230; cf. Thrall, *Pictorial Hist. of Tex.*, 347–350.

[4] *Telegraph and Texas Register* (weekly), issues of October 22–November 19.

into the Union as a state. This was recommended by President Polk in his annual message at the opening of the first session of the twenty-ninth Congress, and a resolution for the purpose was introduced promptly.[1] While the measure was under consideration petitions and protests almost innumerable against the admission of Texas as a slave state were presented to Congress.[2] A determined effort was made by the opposition in the House, but the fight was hopeless. The resolution was adopted by a vote of 141 to 56 in that body, and of 31 to 14 in the Senate, and was signed by President Polk on December 29, and the state government of Texas was formally installed February 19, 1846. The expansion impulse had finally overcome the friction due to slavery, and the constitution which Texas submitted for the approval of Congress simply followed that already existing in the republic in recognizing and protecting the institution.

[1] *Cong. Globe*, 29 Cong., 1 Sess., 4, 65, 92.
[2] *Ibid.*, 43, 65, 87, 93.

CHAPTER XI

ADJUSTMENT OF THE OREGON CONTROVERSY (1827–1846)

IT has already been seen that, even while the great struggle over annexation was in progress, the attention of the United States was not turned wholly southwestward, but was partly fixed on Oregon; and that Oregon and Texas were closely coupled in the Democratic platform of 1844. The same paragraph which called for the "re-annexation" of the one still more emphatically demanded the "re-occupation" of the other. It asserted that the title of the United States to the "whole" of the Oregon territory was "clear and unquestionable," and that "no portion of the same ought to be ceded to England or any other power."[1]

The earliest recorded European voyage to any part of the Oregon whose limits have been described was probably that of Francis Drake. The Spanish expedition under Ferrelo, in 1543, can scarcely have sighted the coast as far north as 42°. Drake was on the Pacific coast in 1579, and contemporaneous accounts vary in fixing the northern limits of his

[1] *Niles' Register*, LXVI., 227.

explorations from 42° to 48°.[1] The evidence appears sufficient to justify the conclusion that it was somewhere above 42°. The alleged expedition of Juan de Fuca, who claimed to have been in that quarter in 1592, and whose story, as told by the Englishman Michael Lok, was published in *Purchas, his Pilgrimes*, is hardly to be credited; but, when the controversy over the possession of Oregon was hottest, the account was accepted as true, and it was then believed also that Ferrelo was the first explorer to see that region.[2] In 1774 a Spanish vessel commanded by Pérez sailed along or near the coast from 55° southward to California; in 1778 an English expedition under Captain Cook going northward saw land at different points from 44° 30′ as far as Oregon was afterwards claimed to extend; and in 1788 an American ship from Boston, commanded by Captain Gray, traversed a course not substantially different. In 1792 the same Captain Gray entered and named Columbia River, the mouth of which had been discovered in 1755 by the Spaniard Heceta. In 1793 Sir Alexander Mackenzie, coming overland from Lake Athabasca, traced for some distance the upper course of the Fraser River, the mouth of which had also been previously discovered by the Spaniards; and in

[1] See Pacheco y Cárdenas, *Documentos Ineditos*, XIV., 165–191; Bancroft, *Northwest Coast*, I., 138, 144; cf. Tyler, *England in America* (*Am. Nation*, IV.), chap. xii.

[2] Speech of Dix, *Cong. Globe*, 29 Cong., 1 Sess., 389.

1805 Lewis and Clark crossed from the head-waters of the Missouri into the Columbia Basin and followed this river to the Pacific.[1]

The sovereignty of the coast adjacent to the Columbia and Fraser valleys was claimed by Spain, and, if prime discovery was really to give title, no other nation had a claim so good. She was, however, not strong enough to enforce it; her efforts to prevent the establishment of a British post at Nootka Sound on the coast of what was later called Vancouver Island resulted in the humiliating Nootka Sound convention of 1790,[2] by which she conceded practically equal rights to Great Britain. By a subsequent convention signed in 1794 the governments of the two nations agreed that neither should claim exclusive sovereignty at Nootka, and that they should join in resisting the attempt of any other power to do so.[3] The principal aim of Great Britain at the time was evidently to keep the country open to trade.

The competition which the open-door policy of Great Britain in the Nootka Sound controversy invited was not declined by the Americans. On the contrary, the trade between the Pacific coast and

[1] Cf. Channing, *Jeffersonian System* (*Am. Nation*, XII.), chap. vii.

[2] Manning, *Nootka Sound Controversy* (Am. Hist. Assoc., *Report*, 1904, pp. 279–478), chap. xiii.; cf. Bassett, *Federalist System* (*Am. Nation*, XI.), 59.

[3] Calvo, *Recueil Complet des Traités de l'Amèrique Latine*, III., 366–368; Am. Hist. Assoc., *Report*, 1904, p. 469.

China fell almost completely into the hands of Boston merchants, and it so remained till the end of the War of 1812.[1] Even thereafter these merchants continued in the field and did a thriving business for many years; but before the controversy over the possession of Oregon was finally settled the trade had become relatively unimportant.[2]

The contest between the United States and Great Britain for the possession of Oregon was forecast in negotiations between them immediately subsequent to the purchase of Louisiana. In the treaty signed by the commissioners of the two powers, December 31, 1806, but rejected by President Jefferson, there was added after the signing a provision that the line of the forty-ninth parallel, which was to be accepted as dividing their territories east of the "Stony" Mountains, should not extend to "territories belonging to or claimed by either party" to the west thereof.[3] A similar provision was rejected in the negotiations for the treaty of Ghent because the British commissioners coupled with it a stipulation that the subjects of Great Britain should enjoy free navigation of the Mississippi and free access to the river through the territory of the United States.[4] The convention signed and ratified in 1818, while accepting the line of 49° as the northern limit of

[1] Greenhow, *Oregon and Cal.*, 266; Bancroft, *Northwest Coast*, I., 359.
[2] Bancroft, *Northwest Coast*, I., 376.
[3] *U. S. Treaties and Conventions*, 1324; *Am. State Paps., Foreign*, III., 165.
[4] *Am. State Paps., Foreign*, IV., 377.

the Louisiana purchase, provided that "any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains," should be "free and open" to the subjects of both. The agreement was to last ten years, and was not to prejudice the claims of either party to any part of the country, nor to affect those of any other power.[1]

The authorities at Washington now began to turn attention to Oregon. In 1821 John Floyd, a member of Congress from Virginia, became interested in the subject, and procured the appointment of a committee, with himself as chairman, to consider and report on the expediency of occupying the Columbia valley.[2] After a series of failures, he finally received the support of President Monroe, and succeeded, on December 23, 1824, in getting a bill for such occupation through the House by a vote of 113 to 57; but it did not pass the Senate.[3] During the session of 1828–1829 another bill for the purpose, though urged by the petitions of a large number of would-be emigrants, was defeated in the House by a vote of 99 to 75.[4]

In 1824, after the conclusion of the treaty with

[1] *U. S. Treaties and Conventions*, 416; cf. Babcock, *Am. Nationality* (*Am. Nation*, XIII.), 266–268.

[2] Benton, *Thirty Years' View*, I., 13.

[3] Richardson, *Messages and Papers*, II., 262; *Debates of Cong.*, 18 Cong., 2 Sess., 59; cf. Turner, *New West* (*Am. Nation*, XIV.), 128–133; McMaster, *United States*, V., 23–27.

[4] *Debates of Cong.*, 20 Cong., 2 Sess., 192.

Russia, by which it agreed to withdraw from the country south of 54° 40′, the United States government at once began negotiations with that of Great Britain to adjust their conflicting claims. Great Britain offered as a dividing-line the forty-ninth parallel westward from the Rockies to its intersection with the northeasternmost branch of the Columbia, and the course of the river itself thence to the Pacific, free navigation of the Columbia to be allowed the subjects of both powers. The United States offered the forty-ninth parallel the entire distance from the mountains to the ocean. In 1826 this offer was renewed, with the concession that, if the Columbia should be navigable up to where the line crossed it, its navigation thence to the sea should be free to British subjects. Great Britain adhered to her offer of 1824, with only the addition of a detached bit of territory containing a port in Fuca Strait. The negotiations ended with the renewal, in 1827, for an indefinite period, of the convention of 1818, with the understanding that either party should have the right to terminate the agreement on twelve months' notice;[1] and thus the matter rested until the beginning of popular agitation concerning it in the United States. The disappointment over the failure of the Ashburton treaty to deal with the northwest boundary was one cause of the excitement, but it had been thought

[1] For the whole series of these negotiations, see *Am. State Paps., Foreign*, V., 553–564, VI., 641–706.

best not to complicate the negotiations for that treaty further by introducing the subject.[1]

Meanwhile American overland explorers and fur-traders, led by such men as William H. Ashley of the American Fur Company and Jedediah Smith of the Rocky Mountain Company, were pushing forward the path-breaking work that had begun with Lewis and Clark.[2] The mountain passes were discovered and the trails marked out. Of the settlers that followed and the beginning of their work, brief mention has been made already.[3] The colonizing movement gave a new impulse to the agitation of the Oregon question in Congress. In 1838 Senator Lewis F. Linn of Missouri began work similar to that which Floyd had been doing in the House. During the course of it, on December 16, 1841, he introduced a bill providing, among other things, for a line of forts from Missouri to Oregon, and one to guard the mouth of the Columbia; and for the grant of a section of land to each male immigrant eighteen years of age or over. On February 3, 1843, the bill passed the Senate by a vote of 24 to 22, but it did not get through the House.[4] The expectation, however, of its passage greatly stimulated immigration to Oregon.

The debates on the various bills for the occupa-

[1] *Niles' Register*, LXIII., 185.
[2] Turner, *New West* (*Am. Nation*, XIV.), 119–123.
[3] See p. 38, above.
[4] *Debates of Cong.*, 27 Cong., 3 Sess., 240.

tion of Oregon within the two houses of Congress are interesting as a reflection of contemporaneous opinion in regard to the country itself and to the measures for assuring its occupation. Those who spoke in favor of it emphasized the considerations of commercial advantage and resistance to British aggression; while the opposition stressed the fear of developing a separate western interest and of draining the population of the existing states and territories, the incompatibility of a colonial system with American political principles, and the small value of Oregon itself. Polk of Tennessee argued in 1828 that to erect a territorial government, enforce revenue laws, and grant lands to settlers was a violation of the treaty with Great Britain then in force.[1] The popular clamor which practically dismissed the argument altogether and would be satisfied with nothing but the whole of Oregon had not yet arisen.

The growth of the American population in Oregon, in fact, constituted the most serious aspect of the question and furnished the best reason for insisting on some final adjustment of the adverse claims. So long as the country was occupied only by fur-traders, and those practically all British, it might be possible to avoid serious friction, either local or international; but the entry of settlers from the United States made it certain that, unless the

[1] *Debates of Cong.*, 20 Cong., 2 Sess., 130; Greenhow, *Oregon and Cal.*, 355.

boundary-line were fixed and government provided for the immigrants, there would sooner or later come a clash of the diverse elements in the same territory, involving the likelihood of a war. That this did not occur before there was time to reach an agreement that should prevent it was due to the fact that the occupation of Oregon was not really joint in the sense which the terms of the convention of 1818 suggested — that of a general intermingling of the American settlers with the British. The Columbia was virtually the dividing-line, the British being mainly north of it and the Americans south. In 1838 a petition asking Congress to extend jurisdiction over the Oregon colony was signed by thirty of its inhabitants, ten of whom were connected with the missions and nine were French Canadians;[1] and a like petition in 1840, urging Congress to establish a territorial government in Oregon, was signed by sixty-seven persons, who represented themselves as "citizens of the United States, or . . . desirous of becoming such."[2]

Some form of local self-government was a necessity for the immigrants from the United States; and it was not to be expected that they would remain long in Oregon without an endeavor to supply it. The occasion came in 1841 with the death among them of a man who left a large estate without having provided for its administration. Pursuant to a

[1] *House Reports*, 25 Cong., 3 Sess., 101.
[2] Gray, *Oregon*, 194–196.

call made by a committee at the funeral, a meeting was held on February 17 and 18 at the Methodist Mission on the Willamette, "nearly every male inhabitant south of the Columbia, of full age, being present." A judge and other officers—not including a governor—were elected, and a committee was appointed to draught a code of laws.[1] Partly through neglect, and partly because of the advice given by the officers of the Wilkes Exploring Expedition, then in Oregon, the movement was suspended for a time; but in 1842 the coming of Dr. Elijah White, with a commission from the United States government as sub-agent of Indian affairs, revived it.[2] The next step was therefore a meeting at Champoeg, May 2, 1843, where it was decided by the settlers—though not without opposition—to organize, and certain officers were elected.[3] In a meeting at the same place, on July 5, a constitution for a provisional government was adopted, which was to exist until the United States government extended its jurisdiction over the colonists. The constitution forbade slavery in the "Territory," and adopted the laws of Iowa, in cases "not otherwise provided for" and so far as they were applicable, for its government.[4]

By 1843 the work of Floyd and his coadjutors

[1] Hines, *Missionary Expedition to Oregon*, 417 et seq.

[2] For the significance of this appointment as the settlers understood it, see Gray, *Oregon*, 215.

[3] *Ibid.*, 279.

[4] Hines, *Missionary Expedition to Oregon*, 425–431; Gray, *Oregon*, 346–359.

began to bear abundant fruit. Petitions for the occupation of Oregon from legislatures and from the people began to pour in upon Congress in a full and ever-widening stream.[1] Southwestward expansion, opposed by the more radical anti-slavery element, joined hands with northwestward, that the two might travel better. Agitation relative to both regions continued and increased, until by the time of meeting of the national conventions of 1844 the American people were thoroughly aroused. Under these circumstances the timid evasions of the Whig platform, the equivocations of Clay, and the Democratic utterance in favor of "re-occupation" and "re-annexation" can all be understood. The echoes which soon began to come from England, while on the whole conciliatory, were firm and contained a perceptible note of defiance.[2]

If the "re-occupation" of Oregon recommended by the Democratic platform in 1844 was to be accomplished directly by an act of the United States government, the term did not apply; for there had been no such act before. Astoria was, it is true, the first permanent settlement on the lower Columbia; but that was the work of a private association, intended to secure the trade of the country rather than territorial possession. The terms of the final agreement between the British and Spanish governments as to Nootka Sound would indicate

[1] Bancroft, *Oregon*, I., 382 et seq., especially citation at 383, *n.* 43.

[2] See *Niles' Register*, LXVIII., 113–115.

that Great Britain did not wish to see that country settled by any nation. After 1805, however, the British began the building of trading-posts, which continued to multiply till the tide of American immigration thither had fairly set in. By 1844 this immigration was well under way, and the "re-occupation" was actually going on without the help or the encouragement of any political party.

In September, 1844, another effort was begun to settle the Oregon question by negotiation. The offer made by Great Britain in 1826 was renewed in a slightly more liberal form, but was refused. Pakenham, the British minister at Washington, then proposed arbitration, but this plan was also declined. Polk's inaugural message forecast a decided stand on the claim asserted in the Democratic platform. July 12, 1845, Buchanan, secretary of state under President Polk, again offered the line of the forty-ninth parallel, but this time without the free navigation of the Columbia. The offer was rejected by Pakenham on July 29, without reference to his government and in terms that were rather offensive. On August 30 the negotiation was ended for the time by the withdrawal of the proposition.[1]

The situation was now ominous. Great Britain had hitherto steadfastly refused to accept the offer of the forty-ninth-degree compromise; and for the United States to withdraw that offer involved a

[1] See the correspondence in *Niles' Register*, LXIX., 260–272.

prospect of war that roused great anxiety.[1] The country rang with the cries "All Oregon or none" and "Fifty-four forty or fight." Buchanan's offer of July 12 was a temporary abandonment of the policy which Polk claimed was in deference to the action of his "predecessors," but the withdrawal on August 30 was a return to it. Buchanan doubted the expediency of making the issue with Great Britain while the relations of the United States with Mexico were so uncertain; but Polk himself saw in this no reason for delay.[2]

In his first annual message, December 2, 1845, Polk planted himself squarely on the ground of the platform. Besides committing himself to the idea involved in "re-annexation," by intimating that the western boundary of Texas was that which had been claimed by the United States under the treaty for the purchase of Louisiana, he recommended various measures for the uncompromising assertion of the claim to the whole of Oregon. First of these was provision by law for the year's notice to Great Britain required to terminate the convention of 1827. Then followed propositions which extensive discussion had already made familiar, to extend the laws and jurisdiction of the United States over the settlers in Oregon, to establish an Indian agency

[1] *Niles' Register*, LXIX., 148, 187, 228, 289, etc.

[2] See his *MS. Diary*, August 30, 1845. This seems to dispose of Von Holst's "Stage Thunder"; see Von Holst, *United States*, III., 196.

and subagencies beyond the Rocky Mountains, to provide for the military protection of the Oregon Trail, and to establish an overland mail to the Pacific.[1]

Congress, though fiercely agitated by conflicting interests and ideas, was with the president. There were some radical westerners, indeed, for whom he could never go far enough. Once, when it was intimated in the Senate, by Haywood of North Carolina, that Polk, despite the tone of his message, might still favor compromise on the forty-ninth parallel, Hannegan of Indiana was roused to a furious diatribe in which he charged the southerners with indifference to Oregon, now that they had Texas, and declared that if Polk were correctly represented by Haywood, then "James K. Polk has spoken words of falsehood, and with the tongue of a serpent."[2] While the majority were not so violent as Hannegan, they were hardly less determined than the president himself. Bills and resolutions in answer to the message soon began to appear in both houses, the main interest being centred on the resolution to provide for the notice terminating the convention of 1827. The resolution, which became the basis of action on the subject, was introduced in the House January 5, 1846. After an extended debate

[1] Richardson, *Messages and Papers*, IV., 387, 392–398.

[2] *Cong. Globe*, 29 Cong., 1 Sess., 460; Benton, *Thirty Years' View*, II., 662–667; cf. Polk, *MS. Diary*, March 5, 6, 7, 8, 1846.

it was finally passed, April 23, by a vote of 42 to 10 in the Senate, and of 142 to 46 in the House. In its original form it provided simply that the president give the notice to Great Britain forthwith; but before its passage it was so amended as to authorize him to give the notice at his discretion. He signed the resolution promptly, and on May 21 the notice was given.[1]

In the mean time negotiations had been resumed. The British government expressed its disapproval of Pakenham's hasty rejection of the offer of the line of 49°, and in the latter part of October an effort to obtain its renewal was initiated.[2] President Polk declined to renew the offer; but it was intimated, through a despatch dated February 26, 1846, from Buchanan to McLane, the United States minister in London, that such a proposition would be considered if it came from the other side.[3] On June 6, 1846, it came in the shape of a draught of a treaty; and on June 10 the president, contrary to custom, submitted it to the Senate for advice before it was signed. The Senate advised its acceptance, by a vote of 37 to 12, and later ratified it by 41 to 14.

The Oregon treaty of 1846, which was mutually ratified by the two governments concerned July 17, provided that the dividing-line of United States and

[1] *Niles' Register*, LXX., 394.
[2] Polk, *MS. Diary*, October 21, 22, 23, 1845.
[3] *Ibid.*, February 24 and 25, 1846; Curtis, *Buchanan*, I., 558.

British territory in Oregon should be the forty-ninth parallel from the Rocky Mountains to the middle of the channel which separates Vancouver Island from the mainland, and thence should run southerly along the middle of that channel and Fuca's Strait to the Pacific.[1] The water boundary, as thus defined, was not finally determined till 1873, after an arbitration by the emperor of Germany in the year preceding.[2]

Thus, happily, the question was settled without a war. It is a sad mistake to suppose that the policy of the administration was intended for effect. While the president did so far disregard the platform on which he was elected as to renew the offer of the line of 49° made by his predecessors in office, his subsequent uncompromising attitude for months after the offer had been rejected and withdrawn, and his prolonged resistance to the pleadings of Buchanan, who wished to intimate to England that a proposition to renew negotiations on the same basis would not be disagreeable, make it impossible to believe that he was anxious to adjust the dispute with Great Britain simply in order to prepare for a war with Mexico.[3] Polk was almost too aggressive to be wary, and the country was undoubtedly wrought up and ready for a fight. Great Britain,

[1] *U. S. Treaties and Conventions*, 438.

[2] Moore, *International Arbitrations*, I., 223–235.

[3] Polk, *MS. Diary*, October 28 and November 29, 1845; cf. entry for May 13, 1846; cf. Von Holst, *United States*, III., 196 *n.*

however, facing an angry nation with which she had tried conclusions twice before when it was much weaker, and having to deal with a delicate and complicated situation from the stand-point of world politics, was pacific and conciliatory far beyond her wont. It is much to her credit that the ultimate decision was not recorded in blood.

CHAPTER XII

FISCAL REORGANIZATION AND TARIFF READJUSTMENT

(1841–1846)

ONE of the mischievous results of the quarrel between the Whigs and Tyler was that the system by which the public money was collected, kept, and disbursed lost its legislative foundation, and rested for several years upon the relatively insecure basis of executive judgment and will. Moreover, the mischief came perilously near extending to the whole system of revenue and taxation, on which rested the very life of the government. There have, indeed, been few periods in which American political institutions have been so severely tested as during the administration of Tyler, and none in which they have better stood the strain. Considering the high degree of probability with which the action of Tyler could have been forecast by the Whigs, their policy in refusing any concession to his scruples or his judgment when so much was at stake seems almost reckless.[1]

The Whigs themselves created their own diffi-

[1] See chap. iv., above.

culties. They began by marching into a *cul de sac*, where their differences with the president must be fought out, unless either he or they should surrender. Of the measures included in the programme announced by Clay in his resolutions introduced in the Senate June 7, 1841, the first provided for the abolition of the independent treasury; the second for the incorporation of a bank to take the place of it; the third for the raising of adequate revenue for the government by the imposition of duties; and the fourth for the "prospective" distribution of the proceeds of the public lands.[1] There was a seeming general agreement between this programme and the views expressed by Tyler in his message of June 1; but the president had carefully avoided specific recommendations; and the statement of his opinions was so qualified as to forecast clearly enough his opposition to the Whig policy in the form which it was given by the majority in Congress. The ensuing quarrel between him and that majority centred mainly on the question of a national bank; it finally extended, however, also to that of distribution as affecting the level of import duties. The order in which the different measures of the programme were attempted, and the passage of some of them with the evident purpose of creating a necessity for the others,[2] was a precipitation of issues

[1] See p. 58, above.

[2] Cf. remarks of Calhoun on the distribution bill, *Cong. Globe*, 27 Cong., 1 Sess., 314.

both with the president and with the Democrats which a more far-sighted leader than Clay would have been careful to avoid. It placed the fortunes of the Whigs, and less directly of the nation itself, in the hands of Tyler, and challenged him to assert himself to their injury if he dared.

The act of 1840, establishing the independent treasury, provided not only that the government's money should be received and kept in its own vaults at New York, Philadelphia, Boston, Charleston, St. Louis, and New Orleans, but also that after June 30, 1843, all receipts and disbursements should be in gold and silver.[1] Thus the plan of having the government handle its own cash was combined with a step intended to improve the currency. This was the most fiercely contested feature of the law, and aroused the unceasing opposition of the state banks and their friends.[2]

The plan remained in operation for a little over one year. Whether because of its own merits, or simply of favorable conditions, it worked well; and the prophecies so freely made by its opposers that it would bring disaster remained unfulfilled.[3] But the Whigs, who had meanwhile shouted themselves to victory with the cry "Down with Van Buren-

[1] *U. S. Statutes at Large*, V., 385–392; Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xx.

[2] Kinley, *Independent Treasury*, 25–27; Dewey, *Financial Hist. of the U. S.*, 236; Knox, *Hist. of Banking in U. S.*, 86.

[3] Johnston, in Lalor, *Cyclopædia*, II., 495; Kinley, *Independent Treasury*, 31.

ism!", could not for a moment tolerate this Van Buren substitute for a national bank. Tyler asserted in his first message to the twenty-seventh Congress that the measure had received clear popular condemnation—by no means a groundless statement;[1] and Clay, immediately on the opening of the special session, which was called by Harrison and found Tyler in his place, introduced a bill for repeal, which became a law August 13, 1841, thus restoring the fiscal chaos which Van Buren had relieved only by the sacrifice of his own political prospects. The failure of the Whigs to charter another national bank left them with no further remedy, and the government remained without a legalized deposit system for nearly five years.[2]

With the coming of a Democratic administration, the subject was naturally taken up again. President Polk, in his first annual message, recommended to Congress the establishment of a "constitutional" treasury, which he claimed should be "a secure depository for the public money, without any power to make loans or discounts or to issue any paper whatever as a currency or circulation," and "independent of all banking corporations."[3] In pursuance of this recommendation, a law re-establishing the independent treasury was passed by Congress, and was approved by the president, August 6, 1846.

[1] Richardson, *Messages and Papers*, IV., 45.
[2] Cf. Kinley, *Independent Treasury*, 35.
[3] Richardson, *Messages and Papers*, IV., 406–408.

It reproduced the most important features of the law of July 4, 1840, in that it provided for the same centres of deposit and the same general system of handling the money; but treasury notes were to be received and disbursed, as well as gold and silver. The government funds were to be kept safely by the receivers, and not to be lent or deposited in banks.[1]

The system was again set in operation, and for many years it proved very successful. The trial showed that the law had certain defects, such as the want of satisfactory provision for the care of the funds, and there were no appropriations made to cover the expense of transfers of money or the salaries of certain necessary officials.[2] The opposition of the banks had also to be overcome.[3] Gradually, however, the system was improved and strengthened, and it proved adequate in the emergencies of the war with Mexico[4] and the financial crisis of 1857.[5] The greater stress of the Civil War forced the government into a renewed connection with the banks and brought about the establishment of the present national banking system. But it should be noted that the public fiscal system still remains substantially under government control.

[1] *U. S. Statutes at Large*, IX., 59–66.

[2] See statement in report of secretary of treasury, *Niles' Register*, LXXI., 253. [3] Kinley, *Independent Treasury*, 46.

[4] See report of secretary of treasury, *Niles' Register*, LXXIII., 250; *Report on the Finances*, 1854, pp. 14–17.

[5] Dewey, *Financial Hist. of U. S.*, 254.

Just before the independent treasury was finally established came the settlement of the closely related question of the tariff. The power to levy imposts had been jealously withheld by the states from Congress during the period of the Confederation; and when it was granted by the Constitution it was used at first mainly to obtain revenue. The growth, however, of manufacturing industries during the War of 1812 and the years that followed led to the adoption of the protective policy. In 1828 the passage of the "Tariff of Abominations," with its extreme abuses of the principle of protection, caused South Carolina to threaten the nullification of that tariff within her own borders; but the trouble was finally adjusted in 1833 by a compromise according to which the excess of all duties over twenty per cent. was to be removed by successive reductions as follows: four of one-tenth each dated January 1, 1834, 1836, 1838, and 1840, respectively; one of three-tenths on January 1, 1842, and another of three-tenths on July 1, 1842.[1]

The compromise of 1833 was still in effect when the Whigs came into power in 1841. In his message at the opening of the special session of the twenty-seventh Congress, Tyler said that the compromise act "should not be altered except under urgent

[1] For details of the protective movement, see Taussig, *Tariff Hist. of U. S.*, 68–110; Turner, *New West*, chaps. ix., xiv., xix.; MacDonald, *Jacksonian Democracy*, chaps. v., ix. (*Am. Nation*, XIV., XV.).

necessities, which are not believed at this time to exist."[1] But the tariff question had become involved with partisan politics in 1828, and it now presented itself in a more purely political guise than ever; for the effort to readjust became merged in the general quarrel between Tyler and the Whigs. Clay's programme resolutions of June 7, 1841, included "The provision of an adequate revenue for the Government by the imposition of duties." They included, too, it should be observed, "The prospective distribution of the proceeds of the public lands." This also the president had approved, in a guarded way, in order to relieve the great financial pressure on the states, provided it did not involve the increase of duties so as to violate the compromise of 1833.[2]

In accordance with the programme, a bill was passed at the special session to increase the revenue by extending the tariff, and was approved by the president, September 11, 1841. But the extension was made by laying the twenty per cent., which was to be the ultimate maximum of the compromise tariff, on many articles then paying less than the maximum or entirely free. Another bill provided for the distribution of the proceeds of the public lands, but on condition that it should be suspended if the duties were raised above the compromise maximum.[3] Benton claims that both the bank and

[1] Richardson, *Messages and Papers*, IV., 43. [2] *Ibid.*, 47.
[3] *U. S. Statutes at Large*, V., 453–458.

distribution bills of the extra session were passed only by conceding the enactment of a bankrupt law, which was not in Clay's programme, but was supported by a multitude of insolvents throughout the Union.[1]

When Congress met for the regular session in December, 1841, the state of the finances was anything but encouraging. The report of the secretary of the treasury put the total revenue for the year at a little over thirty millions, of which nearly half was from treasury notes and loans. The estimated deficit for 1841 was over six hundred thousand dollars, and for 1842 more than fourteen millions.[2] The president recommended nothing definite in his annual message; but in a special message of March 25, 1842, he stated his conviction that Congress would find it necessary to raise the duties above twenty per cent., and expressed his regret that this would prevent distribution under the act of 1841.[3]

It is hardly to be supposed that the Whig majority in Congress at that time would have been inclined to do anything that Tyler recommended unless it saw other reasons for such action. Its reluctance, however, to follow the way he was willing to go caused it ultimately the humiliation of being driven in that direction. In spite of his urging, Congress delayed the passage of a revenue bill until

[1] Benton, *Thirty Years' View*, II., 229–231.
[2] *Niles' Register*, LXI., 275.
[3] Richardson, *Messages and Papers*, IV., 108.

June, 1842. Early in that month two bills were introduced in the lower House, one for a permanent, and the other for a provisional tariff. The latter was intended apparently to meet the view held by many that no duties at all could be collected under the compromise tariff of 1833 unless authorized by a new law. It provided for the postponement until August 1 of the final reduction under the act of 1833, which was to take place July 1; and also fixed the same date for distribution, in spite of the fact that many duties would still be above the twenty per cent. level.[1] This process was nominally intended to give time for the passage of a permanent tariff bill. The delay, however, seems to have been a part of the political game. It was creating a difficult situation for the president, but it was also throwing a heavy responsibility on the Whigs.[2] The bill was passed June 25, 1842; and four days later Tyler returned it with his veto, on the ground that it cut off a source of revenue then sorely needed, and that it contravened both the compromise and the distribution acts.[3] He had, in fact, recommended in his message of March 25, in pursuance of a suggestion made by Secretary Forward, of the treasury, in a report accompanying the message of March 8, that the proceeds of the public lands be pledged to secure a loan which was considered

[1] *Niles' Register*, LXII., 282, 285.
[2] Von Holst, *United States*, II., 452–455; Tyler, *Tylers*, II., 166.
[3] Richardson, *Messages and Papers*, IV., 180–183.

necessary, and which was finally provided for by an act of April 15. But several days earlier than the date of his veto message he had obtained an opinion from Attorney-General Legaré to the effect that the duties fixed by the compromise tariff would be collectable after June 30, and their collection was accordingly continued.[1] On August 5 the permanent tariff bill was ready for the president's consideration, and on August 9 he returned that also without his signature. His main objection to it lay in the fact that, while raising the tariff above the twenty per cent. level, it still provided for distribution.[2]

This veto message was referred to a select committee headed by John Quincy Adams, which reported August 16. The majority report, signed by the chairman and nine other Whigs, reviewed the relations of the president and the existing Congress, condemned his course in the strongest terms, and offered a resolution recommending an amendment to the Constitution that would enable a simple majority to pass a bill over the executive veto.[3] A minority report signed by two Democrats, and a "protest and counter report" signed by one of the "Corporal's Guard" of Tyler Whigs, were also presented, both of which defended the president

[1] *House Exec. Docs.*, 31 Cong., 2 Sess., VII., pt. ii., No. 55, pp. 1505–1513.
[2] Richardson, *Messages and Papers*, IV., 186.
[3] *Niles' Register*, LXII., 395–397.

and denied the propriety of referring the message for consideration at all.[1] The majority report was adopted by a vote of 98 to 90. The president then sent a protest to the House himself, but it was refused entry on the journal.[2]

Meanwhile, Tyler had won his fight; for the Whigs, not daring to face their constituents without having passed some kind of a revenue measure, finally broke ranks and allowed a bill to pass without the distribution clause. Most of them voted for it, and enough Democrats joined them to give the bill a majority of two in the House and one in the Senate. On August 30, the same day on which the president's protest against the report criticising his veto message was dated, he signed this permanent tariff bill, and the stormy contest was over.

The tariff of 1842 was quite satisfactory to the protectionists of the country at large. It raised the impost to the general level of that of 1832, and on various important articles there were laid specific duties sufficiently high to make the percentage on an *ad valorem* basis quite heavy.[3]

The Democratic triumph of 1844 was soon followed by another readjustment. The platform of the party for that year declared positively against distribution, and in rather vague and general terms

[1] *Niles' Register*, LXII., 407–411; cf. Mason, *Veto Power* (*Harvard Historical Monographs*, No. 1), 69–71.

[2] Richardson, *Messages and Papers*, IV., 190–193.

[3] *Niles' Register*, LXIII., 40; Taussig, *Tariff Hist. of U. S.*, 113; Dewey, *Financial Hist. of U. S.*, 238.

against fostering "one branch of industry to the detriment of another." This declaration, however, made when the issue of protection took on so definitely in the popular mind the aspect of a struggle between the agricultural and manufacturing interests, had a clearer ring at the time than it might have to-day. In his inaugural address Polk stressed this feature, and declared against a tariff for protection rather than for revenue.[1] In his first annual message he reiterated his views, defined the revenue standard as that which would forbid the increase of duties to a point where the tariff receipts would begin to diminish, condemned the tariff of 1842 as not agreeing with this standard, and recommended a revision which should substitute *ad valorem* for specific duties. In his report to Congress at the same time (December, 1845), the secretary of the treasury, Robert J. Walker, ably reviewed the whole subject, and made recommendations in line with those of the president.[2]

Action on the tariff was somewhat delayed by the pressure of other questions, especially that concerning the notice of abrogation of the Oregon convention;[3] but at length a bill, framed in accordance with the message and the report by Secretary Walker, in consultation with the proper committees of Con-

[1] Dewey, *Financial Hist. of U. S.*, 194; Richardson, *Messages and Papers*, IV., 379.

[2] Richardson, *Messages and Papers*, IV., 403–406; report in *Niles' Register*, LXIX., 232–237.

[3] See p. 170, above.

gress,[1] was introduced in the House on April 14, and in June the discussion began in earnest. In spite of the opposition of Pennsylvania Democrats like Cameron and Thompson, the bill was passed, being approved by the president July 30, 1846.[2]

This act, which is usually known as the Walker Tariff, divided the commodities with which it dealt into nine schedules, distinguished by the letters A to I, inclusive. Articles in schedule A, consisting of brandy, spirits, etc., were to pay a duty of one hundred per cent. *ad valorem;* those in schedule B, consisting of spices, preserved fruits and meats, manufactures of fine woods and tobacco, wines, etc., forty per cent.; those in schedules C, D, E, and F, including most commercial products, were to pay respectively thirty, twenty-five, twenty, and fifteen per cent.; those in schedule G, including books, precious stones, watches, etc., ten per cent.; and those in schedule H, consisting of goods unmanufactured or fit only to be remanufactured, etc., five per cent. The goods in schedule I, including bullion, coins, copper for the mints and for sheathing, tea, coffee, objects of taste, etc., were to be free of duty.

The Walker Tariff, while by no means reaching free trade, was certainly a step in that direction. It was in effect till 1857, when the excessive reve-

[1] *Niles' Register*, LXIX., 370, 407.

[2] *Cong. Globe*, 29 Cong., 1 Sess., 1044, 1112, 1157; *U. S. Statutes at Large*, IX., 42–49.

nue caused another reduction.[1] How far the drift against protection might have gone had it not been sharply checked by the necessity for revenue growing out of the Civil War, it is impossible to say. The country was very prosperous during the years 1846 to 1857, but the evident causes of that prosperity are so numerous that it is impossible to say how far it was due to the low tariff; that policy, however, was undoubtedly one of the causes.[2]

[1] Cf. Smith, *Parties and Slavery* (*Am. Nation*, XVIII.), chap. v.
[2] Dewey, *Financial Hist. of the U. S.*, 251; Taussig, *Tariff Hist. of U. S.*, 122, 135.

CHAPTER XIII

THE RUPTURE WITH MEXICO
(1843–1846)

UPON the annexation of Texas, Mexico at once severed her diplomatic relations with the United States. This result had been foreshadowed by the utterances of Mexican officials dating from the revival of the question in 1843. The relations, however, of the two countries had been difficult to adjust from the time when Mexico became independent in 1821; and the situation, when the breach occurred in 1845, will be made clearer by a brief *résumé* of the growth of their differences. The most serious friction between them arose concerning four subjects: claims of the United States citizens on the government of Mexico; assistance given the Texans by the people of the United States; violation of Mexican territory by United States troops; and the annexation of Texas.

The claims on the Mexican government were based, for the most part, on aggressions, actual or alleged, on the persons and property of the claimants, which were committed in Mexico. They presented a rather difficult case for diplomatic adjust-

ment because the facts on which they rested were the natural outcome of the chronic state of revolution existing in that country from the time of its birth as a separate nationality. Complaints of the illegal seizure and sale of vessels belonging to citizens of the United States were made to the Mexican government through the official channels as early as 1826.[1] A report from Secretary of State Forsyth, transmitted by President Jackson to the House of Representatives, January 5, 1835, stated that because of the disturbed condition of Mexico negotiations on the subject had been unsuccessful, but the prospect seemed to be hopeful.[2] The breach of relations in 1836 impaired the chances of a settlement for the time; but in his annual message of December 5, 1836, Jackson still expressed the hope that courtesy and forbearance would prevent any necessity for laying the subject before Congress again.[3]

At the very moment, however, when the message was presented, negotiations in the city of Mexico were nearing a crisis in which the prospect of an amicable adjustment became more remote than ever. July 20, 1836, a list of claims had been sent from the department of state at Washington to Powhatan Ellis, the United States minister, and he had been instructed to demand reparation; if he

[1] *House Exec. Docs.*, 25 Cong., 2 Sess., XII., No. 351, p. 245.
[2] *Ibid.*, 23 Cong., 2 Sess., No. 61.
[3] Richardson, *Messages and Papers*, III., 238.

had no satisfactory answer in three weeks, he was to notify the Mexican government that within two weeks more, if no such answer were received, he would call for his passports. September 26, 1836, Ellis presented the claims in a letter much more forcible than diplomatic; and on October 20, having had in the mean time no reply, he wrote again, saying that if redress could not be had without unnecessary delay his further residence in Mexico in his official capacity would be useless.

To this Monasterio, the acting minister of foreign affairs for Mexico, replied the next day, intimating that his government did not understand how the delay of a note could be sufficient cause for a breach of relations. He stated, however, that the delay in this instance was due to the necessity of gathering evidence, and that he would reply as soon as he could collect and examine the necessary data. November 4, Ellis notified the Mexican government that if no satisfactory answer were given in two weeks he would demand his passports. On November 15 Monasterio sent an answer; but on December 7 Ellis, in a lengthy communication, declared that he had no hope of a satisfactory adjustment, and made the demand he had threatened.[1] Since the Mexican minister had already withdrawn from Washington,[2] the act of Ellis made the breach of diplomatic relations for the time complete. On Feb-

[1] *House Exec. Docs.*, 24 Cong., 2 Sess., III., No. 139, pp. 60–67.
[2] See p. 88, above.

ruary 6, 1837, President Jackson sent the correspondence to the House, with a message recommending that Congress pass an act giving authority to make reprisals, in case Mexico should refuse a demand for amicable adjustment, to be made from a United States man-of-war.[1]

The aggressive policy of President Jackson towards Mexico does not prove that he was determined to have a war; undoubtedly he was willing to fight, and Ellis may have been more so, but readiness to fight was simply Andrew Jackson's way. His diplomacy, as manifested in his instructions to Ellis giving him discretion to demand his passports if Mexico did not promptly satisfy the claims against her in such a way as to meet his approval, was thoroughly consistent with the Jacksonian character. It is not to be supposed that the man who had caused the execution of British subjects in Florida would show much forbearance in dealing with Mexican resentfulness and delay. He probably had as little intention of provoking a war with Mexico in 1836 as with Great Britain in 1818,[2] but he shrank from it neither in the one case nor in the other.[3]

The claims themselves, while some of them were ill-founded, were a proper subject for diplomatic inquiry and urgent demand for adjustment. In

[1] *House Exec. Docs.*, 24 Cong., 2 Sess., III., No. 139.
[2] Cf. Babcock, *Am. Nationality* (*Am. Nation*, XIII.), chap. xvii.
[3] Cf. Jay, *Review of the Mexican War*, 50.

making up the list for Ellis, Secretary of State Forsyth selected only those claims which had arisen subsequent to the commercial treaty concluded between the United States and Mexico April 5, 1831, and ratified April 5, 1832; but the whole series of unadjusted claims reached much further back, and the complaints which culminated in the breach of relations in 1836 had been going on for ten years. A list of claims submitted to Congress with the special message of Jackson on February 6, 1837, numbered forty-six, and the earliest was dated 1816. It is true that Mexico was not then independent; but claims for supplies furnished the troops engaged in the struggle to throw off the Spanish dominion, or for property seized by them, were recognized as valid by the Mexican officials themselves.[1]

The recommendation of the president was reported on by the House and Senate committees on foreign relations. While substantially agreeing in sentiment with the message, the reports favored another demand for redress. The report to the Senate was unanimously adopted; but want of time seems to have prevented action on that to the House.[2] In furtherance of the policy recommended by the reports, an appropriation was made to cover the expense of another mission to Mexico when-

[1] Moore, *International Arbitrations*, II., 1243.

[2] *Cong. Debates*, 24 Cong., 2 Sess., 982–986, 1912–1916, 1943; *House Reports*, 29 Cong., 1 Sess., IV., No. 752, pp. 7–9.

ever the president should think diplomatic intercourse with that country could honorably be renewed.

Such was the situation when Van Buren became president. As soon as the necessary documents could be prepared, he sent a special messenger to Mexico with a list of fifty-seven claims, to demand their satisfaction and the disavowal of the act of Gorostiza in circulating his pamphlet.[1] This despatch bearer was to remain in Mexico one week awaiting an answer. July 20, 1837, the messenger presented the list to the Mexican minister of foreign affairs; and on July 29 he received a reply conveying the assurance that the government was ready to communicate its decision as to each case promptly, but that the examination of the documents must necessarily be deliberate.

Meanwhile a decree of the Mexican congress of May 20, 1837, authorized at the same time the arbitration of the claims and retaliation upon the United States if it should deny or delay satisfaction to Mexico.[2] On the basis of the first provision of the decree a convention for the adjustment of the claims was concluded April 11, 1839, and ratified April 7, 1840. In accordance with this convention they were passed upon by a board of four commissioners, two from the United States and two

[1] See p. 88, above.

[2] *House Reports*, 29 Cong., 1 Sess., IV., No. 752, p. 15; Dublán y Lozano, *Legislación Mexicana*, III 392

from Mexico; and in cases of disagreement the ultimate decision was left to Baron de Roenne, the Prussian minister at Washington. The commissioners agreed in disposing of claims which aggregated $595,462.75, the amount allowed being $439,393.82. Of claims amounting to $5,844,260.44, the United States commissioners allowed $2,334,477.44, the Mexican commissioners $191,012.94, and the umpire $1,586,745.86. When the commission went out of existence in 1841, at the end of the term of eighteen months which the convention allowed for it, the umpire returned without decision claims amounting to $1,864,939.56, of which the American commissioners had allowed $928,627.88. Claims to the amount of $3,336,837.05 were submitted too late for consideration by the board.[1]

Much has been written in derogation of these claims, and some of them have been sharply denounced as "specimens of . . . shameless profligacy";[2] but this denunciation, however just it may be in particular instances, cannot be extended to the general body of the claims. It should be remembered that they were submitted to arbitration, and that the presumption is in favor of the justice, at least, of those allowed by the umpire. From the time of the award it must be conceded that the United States had a good case against Mexico to the extent

[1] Moore, *International Arbitrations*, II., 1232; *U. S. Treaties and Conventions*, 676.

[2] Jay, *Review of the Mexican War*, 72.

of the claims thus validated but unpaid, even if no further.[1]

The partial adjustment made under the convention of 1839, while it seemed to prevent war for the time, did little towards removing the causes of friction between Mexico and the United States. Mexico failed to pay the claims approved by the commission; and on January 30, 1843, a new convention was signed by which the whole of the accrued interest on the amount awarded was to be paid on April 30 of that year, and the remainder, together with interest, in twenty equal quarterly instalments beginning on the same date.[2] Three of the instalments were paid, and two more were nominally discharged by drafts which were not honored;[3] but there was no further payment, and in 1844 it became evident that, so far as the claims were concerned, matters were rapidly getting back into the condition in which they were before the convention of 1839. The Mexican government, in fact, was unable to pay even had it been so disposed, and by this time whatever friendly disposition it may have had was destroyed by the growing friction relative to Texas.

Article vi. of the convention of January 30, 1843, provided that there should be another convention which should examine and decide not only all un-

[1] Cf. Moore, *International Arbitrations*, II., 1234, 1244.
[2] *U. S. Treaties and Conventions*, 680.
[3] *House Reports*, 29 Cong., 1 Sess., IV., No. 752, p. 26.

adjusted claims of the government and people of the United States against the republic of Mexico, but also "all claims of the government and citizens of Mexico against the United States." Accordingly a new convention for the settlement of the unadjusted claims was signed on November 20, 1843; but it provided that the commission should meet in Mexico, and that claims of the two governments against each other should be referred to it. The United States Senate changed the meeting-place to Washington on grounds of convenience and justice, and struck out the provision concerning claims of the governments on the ground that Mexico had no claims against the United States. These amendments were not ratified by the Mexican government, and the convention did not become effective. The amount of the unadjusted claims was officially put, in December, 1845, at $6,465,464.[1]

Another cause of friction was the sympathy of the people of the United States for the Texans, which manifested itself in material assistance at critical moments. The help given at the time of the revolution has been referred to in a previous chapter.[2] After recognition of the independence of Texas by the government at Washington there was extensive emigration thither from the United States and considerable trade with the republic, partly in contraband of war. To this Mexico objected as

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 40.
[2] See pp. 87–89, above.

a violation of neutrality. In the summer of 1842 there was a sharp correspondence on the subject between Webster, then secretary of state of the United States, and Bocanegra, the Mexican secretary of state and foreign relations, in which the absurdity of the Mexican pretensions was fully exposed; but they were only the more persistently asserted.[1]

Mexican hostility towards the United States was further stimulated by a violation of the territory of Mexico, due to the indiscreet precipitation of Commodore Jones of the American navy, which occurred in October, 1842. It differed from the advance to Nacogdoches of 1836 in being a temporary forcible occupation of soil that was indisputably Mexican. While cruising on the coast of Peru, Jones was led by reports that reached him to believe that England had purchased the Californias, and had sent a naval force to take possession of them, and that the United States and Mexico were then probably at war. He at once hastened to Monterey, on the California coast, and took possession of the place October 20, 1842. The next day he became convinced that the reports on which he was acting were incorrect, and there was nothing for him but to surrender the town again to the Mexican authorities and take his departure. The act was disavowed and apologized for by President Tyler; but the suggestion of punishment made by the Mexican minister at Washington was answered

[1] *House Exec. Docs.*, 27 Cong., 2 Sess., V., No. 266, pp. 1–24.

with the statement that Jones "intended no indignity to the government of Mexico, nor anything unlawful towards her citizens." [1]

The immediate occasion, however, of the breach of diplomatic relations in 1845 was the annexation of Texas. When rumors of the renewal of the annexation movement came to the city of Mexico in the summer of 1843, President Santa Anna gave notice to the United States government, in a letter, dated August 23, from Secretary of State Bocanegra to Minister Waddy Thompson, that "the Mexican government will consider equivalent to a declaration of war against the Mexican Republic the passage of an act for the incorporation of Texas with the territory of the United States; the certainty of the fact being sufficient for the immediate proclamation of war, leaving to the civilized world to determine with regard to the justice of the cause of the Mexican Nation, in a struggle which it has been so far from provoking." [2]

Thompson replied immediately with a sharply resentful letter, questioning the sources of information of the Mexican authorities as to the prospect of annexation, but refusing any explanation whatever. Another letter from Bocanegra to Thompson asserted that the advices of the Mexican gov-

[1] *House Exec. Docs.*, 27 Cong., 3 Sess., V., 166; Webster, *Works*, VI., 461.

[2] For the whole correspondence beginning with this letter, see *Senate Docs.*, 28 Cong., 1 Sess., I., No. 1, pp. 25–48.

ernment on the subject were official and reliable, and sought to justify the attitude of Mexico as follows: "but as it may happen that ambition and delusion may prevail over public propriety, that personal views may triumph over sane and just ideas, and that the vigorous reasoning of Mr. John Quincy Adams and his co-laborers may be ineffectual, how can it be considered strange and out of the way that Mexico, under such a supposition, should announce that she will regard the annexation of Texas as an act of declaration of war?" [1] Secretary of State Upshur approved the course of Thompson, and instructed him that, in case he were again addressed in such offensive language, he should demand either a withdrawal of the letter or a suitable apology.

On November 3, 1843, Almonte, the Mexican minister at Washington, in accordance with the instructions of his government, notified Upshur, in a communication whose terms were hardly less offensive than those used by Bocanegra to Thompson, that if "the United States should, in defiance of good faith and of the principles of justice which they have constantly proclaimed, commit the unheard-of act of violence (*inaudito atentado*—the expression [says the official translator] is much stronger than the translation) of appropriating to themselves an integrant part of the Mexican territory, the undersigned, in the name of his nation, and now for

[1] *Senate Docs.*, 28 Cong., 1 Sess., I., No. 1, p. 28.

them, protests, in the most solemn manner, against such an aggression; and he moreover declares, by express order of his Government, that, on sanction being given by the Executive of the Union to the incorporation of Texas into the United States, he will consider his mission ended, seeing that, as the Secretary of State will have learned, the Mexican Government is resolved to declare war so soon as it receives information of such an act." On November 8 Upshur replied, in a restrained and dignified way, repelling both the threats and insinuations of Almonte's letter and intimating that the policy of the United States would not be affected by them.[1] To this Almonte rejoined, on the 11th, suggesting that Upshur had been misled by an incorrect translation of the letter of November 3, and disclaiming any intention to impute to the authorities of the American Union unworthy views or designs as to Texas. December 1, 1843, Upshur replied, denying that he had misunderstood Almonte, and declaring that the United States regarded Texas as an independent nation and did not feel called on to consult any other nation in dealing with it.[2]

On the accomplishment of annexation, the threat of Almonte was carried out. The joint resolution making the offer was approved March 1, 1845, and on March 6 he demanded his passports. March 28 the United States minister in Mexico was offi-

[1] *Senate Docs.*, 28 Cong., 1 Sess., I., No. 1, pp. 38, 41.
[2] *Ibid.*, pp. 42–48.

cially notified that the diplomatic intercourse between the two countries was at an end.[1] The expressions of the Mexican papers indicated the most intense popular excitement in that country, and those of the government treated the war as already existing.[2] Two decrees were passed by the Mexican congress and approved by President Herrera, one on June 4 and the other on June 7, providing for an increase of the available force in order to resist annexation.[3] July 20 the "supreme government," or executive, recommended to the congress a declaration of war against the United States from the moment when the government should know that annexation had been effected or Texas had been invaded.

There can be little question, indeed, that impatience on both sides had gone beyond the point of safety and was threatening appeal to arms. No theory of a conspiracy is needed to explain the war with Mexico. While it was strongly opposed and condemned by a bold and outspoken minority, the votes in Congress and the utterances of the contemporaneous journals show that it was essentially a popular movement, both in Mexico and in the United States. The disagreement reached the verge of an outbreak in 1837, and the only thing that prevented a conflict then was that Congress was a bit more conservative than the president; but neither

[1] *Niles' Register*, LXVIII., 84.
[2] *Ibid.*, 135; Von Holst, *United States*, III., 80, *nn.* 3, 4.
[3] Dublán y Lozano, *Legislación Mexicana*, V., 19–22.

the aggressiveness of Jackson nor even that of Polk would have been so likely to end in actual fighting, had it not been well understood that they were backed by sympathetic majorities. On the Mexican side, at the critical moment, the pacific tendencies of the executive were overpowered by the angry impulse of the people.

May 28, 1845, General Taylor, who was in command of the troops in the southwest, was ordered, in view of the prospect of annexation, to hold himself in readiness to advance into Texas with the approval of the Texan authorities, and to defend that republic from any invasion of which he should be officially informed after Texas had consented to annexation on the terms offered. June 15 he was ordered to advance, with the western frontier of Texas for his ultimate destination. There he was to occupy a convenient point "on or near the Rio Grande," but to limit himself to the defence of the territory of Texas unless Mexico should declare war against the United States. He was subsequently directed to protect the territory up to the Rio Grande, avoiding, however, except in case of an outbreak of hostilities, any attack on posts actually held by the Mexicans, but placing at least a part of his forces west of the Nueces.[1] In July, General Taylor advanced into Texas, and in August he established his camp on the west bank of the Nueces,

[1] Taylor's successive orders, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 7, 79–82.

near Corpus Christi.[1] The spot which he selected could hardly be considered as "near" the Rio Grande, being, in fact, about one hundred and fifty miles therefrom. The location was chosen because of its convenience as a temporary base either for defensive or offensive operations.

The army remained in camp near Corpus Christi several months. The information Taylor obtained here and reported to Washington indicated no threatening movement on the part of the Mexicans; but on October 4 he suggested that, if the United States government meant to insist on the Rio Grande as the boundary, it would gain an advantage by occupying points on that river. He therefore suggested an advance to Point Isabel and Laredo.[2] Meanwhile had come the attempt to renew diplomatic relations between the United States and Mexico, which ended in failure.[3] January 13, 1846, when it was known in Washington that Slidell would probably not be received by the Mexican government, Taylor was ordered to advance to the Rio Grande.[4]

Up to the time of this movement the Mexican government had neglected the distinction in the validity of its claims to the territory east of the Rio Grande. It strenuously asserted the right of Mexico to the whole of Texas, whatever its limits

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 99.
[2] *Ibid.*, pp. 102–109. [3] See chap. xiv., below.
[4] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 90.

might be, and declared that annexation would be tantamount to a declaration of war. From the Mexican point of view, Taylor invaded Mexico the moment he entered Texas. But when he advanced to the Rio Grande the distinction was finally made. April 12, 1846, he was warned by Ampudia, general in command of the Mexican forces at Matamoras, to retire in twenty-four hours—not beyond the Sabine, as one might have expected from the previous attitude of the Mexican government, but beyond the Nueces.[1]

A few days later occurred the first conflict. April 24 a party of dragoons sent out by Taylor was ambushed on the east side of the river by a large force of Mexicans and after a skirmish, in which a number of men were killed and wounded, was captured.[2] The official report of this affair reached Washington the evening of Saturday, May 9.[3] President Polk had already decided, in conformity with the judgment of all his cabinet except Bancroft, to send to Congress a message recommending a declaration of war. Now, in formulating the reasons for the declaration, he asserted that "Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon the American soil," [4] and with the unanimous concur-

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 140.
[2] *Ibid.*, p. 141.
[3] See Polk, *MS. Diary*, entry for May 9, 1846.
[4] Richardson, *Messages and Papers*, IV., 442.

rence of his cabinet he sent the message to Congress Monday, May 11.

On the same day a bill providing for the enlistment of fifty thousand soldiers and the appropriation of ten million dollars, the preamble to which re-echoed the president's assertion that war existed by the act of Mexico itself, passed the House by a vote of 174 to 14.[1] An amendment to the effect that nothing in the bill should be considered as approving the conduct of the president in ordering the military occupation of the territory between the Nueces and the Rio Grande was rejected by a vote of 27 to 97.[2] On the next day the bill was passed in the Senate by a vote of 40 to 2,[3] the two negative votes being those of Thomas Clayton of Delaware and John Davis of Massachusetts, both Whigs; Crittenden of Kentucky and Upham of Vermont, also Whigs, voted "ay, except the preamble." Two Whigs, Berrien of Georgia and Evans of Maine, together with one Democrat, Calhoun, refused to vote.

It has been the commonly accepted view of American historians that Texas did not extend west of the Nueces and that the advance of Taylor to the Rio Grande by the order of Polk was really an invasion of Mexico. The critics of President Polk have asserted that his conclusion as to the boundary was deduced wholly from the Texan statute of

[1] *Cong. Globe*, 29 Cong., 1 Sess., 795.
[2] *Ibid.*, 794. [3] *Ibid.*, 804.

December 19, 1836, and that the statute itself was only a claim.[1] As a matter of fact, the definition of the western limit of Texas contained in act of 1836, was based on the treaty with Santa Anna concluded while he was a prisoner in the hands of the Texans. This treaty, however, while it recognized by implication the Rio Grande as a possible line, was inconclusive as to the boundary not because of its invalidity, but because of its negative and indefinite terms. It provided only that "A treaty of commerce, amity, and limits will be established between Mexico and Texas, *the territory of the latter not to extend beyond the Rio Bravo del Norte.*"[2] Although Polk made no reference to it in his war message of May 11, 1846, in his next annual message, which contained his defence against the charge of having provoked the war by the advance of Taylor, he did refer to the treaty, as well as to the statute.[3] It is evident also that to his mind the claim that Texas extended to the lower Rio Grande was a natural corollary of the theory of re-annexation; for in the same defence he asserted that the Texas ceded to Spain in 1819 embraced all the territory between that river and the Nueces. That Polk himself really considered the advance of Taylor to the Rio Grande as an invasion of Texas is not to be believed.

[1] See p. 106, above; cf. Von Holst, *United States*, III., chap. iv. 84.

[2] *Niles' Register*, LXIX., 98. The italics are probably those of the editor of the *Register*.

[3] Richardson, *Messages and Papers*, IV., 480, 483.

The status of Santa Fé is the principal difficulty in the way of Polk's attitude on the boundary.

Polk seems, indeed, to have had that cast of mind in which political dogma finds too easy lodgment, and from which it receives the fiercest and most uncompromising support; but there can be no doubt of his sincere faith in the righteousness of his own purposes and of the means he used to attain them. The stern integrity and strength of his character, as reflected in the pages of his diary, take away all force and point from the epigrammatic characterization by Stephens—"Polk the mendacious" [1]—caught up and made prominent by Von Holst.[2] Such men as he rarely catch an historical perspective or see the whole truth that lies in any group of facts; and they are often involved in painful struggles by their own unconscious inconsistencies. No paralyzing scrupulosity or forecast of possible danger holds them back; and woe to the land if they be misguided, for they do things. But there are few in this day, even of those who condemn the methods of Polk, that would be willing to see his work undone.

[1] Stephens, in *Cong. Globe*, 30 Cong., 1 Sess., 910.
[2] Von Holst, *United States*, III., title of chap. ix.

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CHAPTER XIV

THE SLIDELL MISSION

(AUGUST, 1845–MARCH, 1846)

INFORMATION received by the authorities at Washington in August, 1845, from a confidential agent of the United States in the city of Mexico, and concurred in by the consuls there and at Vera Cruz, seemed to indicate that the Mexican government wished to re-establish the diplomatic relations broken off by Almonte's demand for his passports. On September 16 President Polk, in consultation with his cabinet, agreed that John Slidell of New Orleans should be appointed to undertake a mission to Mexico, one object of which should be an adjustment of the boundary by the purchase of Upper California and New Mexico. The president stated his desire for a line that should follow the Rio Grande from its mouth to the thirty-second parallel, and that parallel thence to the Pacific. He supposed that such a line could be had for fifteen or twenty million dollars, but he was ready, if necessary, to pay forty millions. The cabinet agreed with him unanimously.[1]

[1] Polk, *MS. Diary*, September 16, 1845.

On the next day, September 17, a special cabinet meeting was held, and the matter was reconsidered.[1] Buchanan, the secretary of state, called the president's attention to statements published in New Orleans papers which went to show that the disposition of the Mexican government was not so pacific as had been reported. In order, therefore, to avoid a mistake, it was agreed that the president should write a confidential letter notifying Slidell to be in readiness to go; that Buchanan should direct Black, the United States consul in the city of Mexico, to ascertain officially whether the Mexican government would receive a minister if he were sent; and that if the news from Mexico, even before Black could be heard from, made this reasonably certain, Slidell should be appointed and should go at once. The letters were written that evening.[2]

In explaining his attitude concerning California to Benton afterwards, Polk said that he thought Great Britain intended to possess that country if she could; but the people of the United States would not willingly see it become the possession of any foreign power, in the guise of a new colony; and that in his reassertion of the Monroe Doctrine he had "California and the fine Bay of San Francisco, as much in view as Oregon."[3]

To what extent the fear of British designs on

[1] Polk, *MS. Diary*, September 17, 1845.

[2] Buchanan to Black, *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 12.

[3] Polk, *MS. Diary*, October 24, 1845.

California was really justified, it would be difficult to say. Much clearer light will probably be thrown on this subject by future investigations in the archives of the British and American governments, but thus far little positive evidence has been produced. There is, however, no reason to doubt that President Polk really believed that Great Britain meant to take the province. This conviction was supported by the California correspondence of the newspapers and the reports from Larkin, the United States consul at Monterey. Larkin's suspicions were based mainly on the fact that Great Britain maintained a consulate in California which he believed to be of no use except as a secret agency, and on certain very imperfect proofs that she intended to interfere on behalf of California in the quarrel in which that province was then engaged with the government in Mexico.[1]

Considerable interest attaches to Polk's utterances which he regarded as "re-asserting Mr. Monroe's doctrine." What is popularly known as the Monroe Doctrine has been set forth in several different forms to meet varying diplomatic emergencies, and has had no exact definition. The constant element of the doctrine appears to be that no European interference in America prejudicial to the interests of the United States shall be permitted.[2] It

[1] Bancroft, *California*, IV., 590–593; *Niles' Register*, LXIX., 147, 203, 244; cf. Hittell, *California*, II., 375–378, 458.

[2] Cf. Hart, *Foundations of Am. Foreign Policy*, chap. vii.

is only natural that the assertion of this principle has been, on the whole, more aggressive and more positive with the growth of the strength and prestige of the United States. In the official utterances of Washington and Jefferson the doctrine appears almost purely on its negative side, and emphasizes the policy of keeping clear of European affairs. When the international status of the United States became more clearly defined and more fully established, Monroe added the complementary inhibition against European interference in America. Polk denied that the principle of the balance of power had any application to North America, or that European powers, to maintain it, could be allowed to interfere against the annexation of any independent North American state by the American Union.[1] On the other hand, no such annexation by a European power could be allowed, and he favored the military occupation of Yucatan, in response to its request for protection from the Indians, in order to prevent the acquisition of a claim upon that country by any nation of Europe that might be disposed to give it the desired help.[2] Polk declared also "that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent." He could scarcely have meant this to exclude the extension of the settled area in British America by colonists of that

[1] Richardson, *Messages and Papers*, IV., 398.
[2] *Ibid.*, 581–583; cf. Polk, *MS. Diary*, April 25, May 6, 1848.

nationality; but he undoubtedly meant the statement to apply to European colonization in the Spanish-American states, whether with or without their consent. Monroe's formulation of the doctrine had not gone so far.

In a communication of October 17, 1845, Black reported the result of his inquiry.[1] He had put to the Mexican government as coming from the president of the United States the question "whether they would receive an envoy from the United States, intrusted with full power to adjust all questions in dispute between the two governments." In reply he had been informed that, though the Mexican nation had been deeply injured by the acts of the United States in dealing with Texas, it was disposed to receive a "commissioner" who might come "with full powers from his government to settle the present dispute in a peaceable, reasonable, and honorable manner." The Mexican government expressed the hope that the commissioner would be so discreet and reasonable as "to calm as much as possible the just irritation of the Mexicans." It was stated as an indispensable condition of the renewal of diplomatic relations that the whole of the United States naval force lying in front of Vera Cruz should be recalled. This answer reached Washington November 6, and on the next day the president and secretary of state, in a conference, agreed that a minister should be ap-

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 13–17.

pointed and despatched to Mexico at once.[1] To forestall foreign interference, it was to be done secretly. The removal of the fleet from Vera Cruz had been ordered by Commodore Conner as soon as the wishes of the Mexican government were made known to him.[2]

Instructions to Slidell were prepared as promptly as possible, read and amended in the cabinet, and finally agreed to unanimously November 8, 1845. The principal objects of the mission were to be to counteract foreign influences against the United States in Mexico, and to restore the old, peaceful relations of the two countries. It was suggested that the wretched internal condition of Mexico and the misunderstandings of its government with the ministers of Great Britain and France just then made the moment propitious. The considerations in favor of an American policy on the basis of the Monroe Doctrine were emphasized.[3]

Slidell was to give his attention first to the claims of citizens of the United States against the Mexican government which remained unsatisfied. The history of the claims was sketched, and the question as to how they could be settled amicably was considered. All the world knew, it was observed, that Mexico could not then pay money; and unless the

[1] Polk, *MS. Diary*, November 7, 1845.

[2] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 19.

[3] For the text of the instructions, see Buchanan to Slidell, November 10, 1845, in *Senate Docs.*, 30 Cong., 1 Sess., VII., No. 52, pp. 71–80; cf. Polk, *MS. Diary*, November 10, 1845.

United States government assumed the debt the claimants could not get their dues. But the settlement of the boundary question, which had been reserved by the terms of annexation agreed on with Texas, might be so directed as to place the burden on that government without doing injury to Mexico.

The history of the boundary controversy was then recited, and an effort was made to show that the Rio Grande was the proper line between Texas and Mexico from its mouth to El Paso. This contention was based on the fact that the jurisdiction of Texas had been extended beyond the Nueces, and that the country west of that river had been represented in the Texas congress and the convention which had acted on the subject of annexation. It was alleged also that ancient Louisiana extended to the Rio Grande, but it was not claimed that the jurisdiction of Texas had been established up to that river. It was conceded that Mexico had a better claim to New Mexico than to the disputed part of the lower Rio Grande valley; but that province was far away from the Mexican capital and difficult to defend from the Indians, and much of it was within limits also claimed by Texas. It might, therefore, if it remained Mexican, become a source of ill-feeling between those who, it was hoped, were destined to be friends. But this danger would be removed, and Mexico would be saved expense and trouble, by so fixing the boundary as to leave New

Mexico within the United States. For such a boundary the United States government would be willing to pay all just claims of its citizens on Mexico, and five million dollars besides.

For California the president was willing to give a good deal more. The department of state had reason to believe that both Great Britain and France had designs on that province, and Slidell was to do what he could to prevent it from passing to either. The possession of the bay and harbor of San Francisco was all-important to the United States. California was then only nominally dependent on Mexico, and it was doubtful if Mexican authority would ever be restored there. Under the circumstances the president wished Slidell to use his best efforts to obtain the cession of that province to the United States. He was to strive to obtain a boundary running due west from a point on the boundary of New Mexico so as to reach the Pacific south of Monterey if possible; and, if not, then south of San Francisco—the farther south the better. For the line to include Monterey, Polk was willing to give twenty-five million dollars, besides assuming payment of the claims on Mexico; while for that to include only San Francisco he would assume payment of the claims and give twenty millions besides.

Finally Slidell was warned that conciliation of the Mexicans was indispensable to his success. He was reminded that it would be difficult to raise a point of honor between the United States and a

power so feeble and degraded as Mexico. He was to bear and forbear much in order to accomplish the objects of his mission. Further instructions to Slidell, dated a little more than a week later, urge upon him the necessity of pushing the negotiations to a conclusion as early as might be consistent with their success, because the president wished to submit the result to Congress before the end of the approaching session, so that, in the event of failure, prompt and energetic measures might be used to redress the injuries that citizens of the United States had sustained from Mexico.[1]

When Slidell received the letter of November 10, he wrote for further instructions concerning the boundary north of El Paso.[2] Meanwhile, he said, he would not feel himself at liberty to recognize the right of Mexico to any territory within the limits Texas had marked off for itself by the statute of December 19, 1836—that is, everything east of the Rio Grande from mouth to source, thus dividing New Mexico in twain. Slidell stated that, while asserting the title of the United States to the part claimed by Texas, he would offer to assume the obligations of Mexico to citizens of the United States if Mexico would relinquish her claims to the disputed area.

About a month later Slidell was informed that, if

[1] Buchanan to Slidell, November 19, 1845, U. S. MS. Archives, State Dept.

[2] Slidell to Buchanan, November 30, 1845, *ibid.*

he discovered that the attempt to settle the boundary question in the manner indicated by his instructions would endanger the two prime objects of his mission,—to counteract foreign influences adverse to the interests of the United States, and to restore the old, peaceful relations with Mexico—he was not to sacrifice these objects in pursuit of the unattainable.[1]

In his message of December 2, 1845, Polk informed Congress that Mexico had consented to renew diplomatic relations, and that he had sent a minister with power to adjust all questions, including boundaries. He hoped to communicate the result during that session, and meanwhile he would recommend no measure of redress.[2]

Slidell reached Vera Cruz November 29, and his arrival was promptly reported to Consul Black in the city of Mexico. As soon as Black had the news, he informed Peña y Peña, the Mexican minister of foreign affairs, who stated that the Mexican government was not expecting the commissioner and was not prepared to receive him,[3] and expressed the fear that Slidell's appearance in the capital just then might be disastrous to the government and might defeat the whole affair. Black was reminded of the accusations of treachery that had been made

[1] Buchanan to Slidell, December 17, 1845, U. S. MS. Archives, State Dept.

[2] Richardson, *Messages and Papers*, IV., 391.

[3] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 22.

against the Herrera administration because of the agreement to negotiate, and was requested to prevent Slidell from coming to the city of Mexico at that time, or even from disembarking. It was too late to reach Slidell until he was well on his way to the city; but Black went to meet him at Puebla, and informed him that the Mexican minister of foreign affairs would have "preferred less promptness" on the part of the United States government.[1] If the expediency of Slidell's delay or return to Vera Cruz was discussed, it does not appear in the correspondence; at any rate, he pushed on to the city of Mexico. Soon after his arrival he sent a copy of his letter of credence to Peña y Peña and asked to know when he would be officially received.[2] He was told that he should have a reply two days later; but when the time came he was informed that the matter must be referred to the council of state, and that he should know when the answer would be given.

In a letter to Buchanan, dated December 17, 1845, in which the facts that have been given are detailed, Slidell explained the inner aspects of the situation still further. While Herrera and his cabinet wished frankly to enter on the negotiations, they dared not take the responsibility; so they had referred the question to a body which they were not legally required to consult, which was known to be opposed

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 23.
[2] *Ibid.*, p. 24.

to Slidell's reception, and a majority of the members of which were generally understood to be unfavorable to the administration. The reasons stated for not receiving him were that his credentials did not seem to have been given with the consent of Congress; that his appointment had not been confirmed by the Senate; that while the Mexican government had agreed to receive only a commissioner to treat on the subject of Texas, a plenipotentiary had been sent; and, finally—paradoxical as this may seem—that his powers were not sufficient.[1]

On December 15, just one week from the date of his first letter to Peña y Peña, Slidell wrote again asking when he might expect an answer as to his reception. On the 16th the council decided that he ought not to be received; and the same day he had received a communication from Peña y Peña—which Slidell thought was written after the council had acted—assuring him that the delay was due solely to difficulties arising from the nature of his credentials, and that he should know the result of the reference to the council without loss of time. In his report of these proceedings, December 17, the envoy complained that the letters sent him by Peña y Peña were not addressed to him officially, but he thought there was less reason to notice this because the existence of Herrera's government was exceedingly precarious and a revolution was probable.[2]

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 23–31.
[2] *Ibid.*

This despatch was received at Washington January 12, 1846.[1] The information therein contained made it "probable, if not certain," that the Mexican government would refuse to receive Slidell.[2] Under the circumstances the prospect seemed to be either for war or for a continuance of the quasi-war conditions that had existed for almost a year. The president did not hesitate to take a step which would force the hand of Mexico; so in obedience to Taylor's suggestion, made October 4, he ordered, on January 13, 1846, an advance of the United States troops to the Rio Grande. The advance was made in March, the army leaving Corpus Christi on the 8th and reaching Point Isabel on the 24th.

After a delay of a week, which was probably due to the wish to send Slidell's commission with the letter—his appointment was confirmed by the Senate January 20, the day on which the letter was written [3]—Buchanan wrote in reply to the despatch of December 17 that the question of indemnity for imaginary injuries to Mexico, through the annexation of Texas, could not be separated from that of the claims of the United States citizens on Mexico. He characterized the objections of the Mexican authorities to Slidell's credentials as quibbling, with the purpose of obtaining this separation. He

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 53; Polk, *MS. Diary*, January 13, 1846.

[2] Cf. Richardson, *Messages and Papers*, IV., 440.

[3] *Senate Exec. Journal*, VII., 36.

stated that orders to advance to the Rio Grande had been given the army in Texas, and remarked that the president would be thus prepared to act with vigor and promptitude the moment Congress gave him the authority.

On December 27 Slidell reported again.[1] On the 20th he had written Peña y Peña, seeking to show that the correspondence leading to the mission did not warrant the assertion that the United States had agreed to treat concerning Texas alone; and a letter of the same date from the Mexican government at last brought the news that he would not be received. The reason stated for the refusal was that he came as a general plenipotentiary. The government, however, would be pleased to treat with him when his credentials were so changed as "to authorize him to deal only with the questions which had disturbed the harmony of the two republics, and which would result in war unless they were satisfactorily settled"—a definition apparently meant to exclude the claims on Mexico. Slidell wrote Buchanan that he had signified to the Mexican authorities his intention to retire soon to Jalapa and there await final instructions from his government; for he wished the Mexican government to understand how serious its persistence in the course it had adopted might be, and he wished to avoid the appearance of interfering in the domestic struggle.

Slidell's letter of December 17, 1845, together with

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 32–49.

one written on the 29th, makes it evident that the Mexican government felt itself to be acting under compulsion in its refusal to receive the envoy. General Paredes, with five to eight thousand of the best of the Mexican troops under his command, had been ordered several months before to march to the Rio Grande, but he disobeyed or evaded his instructions, with a view rather of using his men against Herrera. It had been planned that the revolution should culminate in a rising that was to be contemporaneous with the appearance of the minister from the United States; but he had come earlier than was expected, and the revolutionists were not ready. The government asked the British minister to explain to Slidell that it was driven by necessity in refusing to receive him, and that if it could put down Paredes it would take the necessary steps to renew diplomatic relations with the United States. Slidell thought that if Paredes succeeded he would do the same. The opinion was expressed that the British minister was exercising his influence to prevent war, but also against the restoration of harmony.

The overthrow of Herrera, and the establishment of a provisional government by Paredes, was reported in a despatch dated January 14, 1846.[1] Sli-

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 49–53. In the copy of this letter, transmitted to Congress, several important passages were omitted for which the original in the archives of the department of state must be consulted.

dell had applied for an escort to Jalapa, which had not been furnished him, and he thought the real reason was that the new government wished to leave the way open for communication with him, and probably also to see, before allowing him to leave, the message of President Polk, which had just reached the city of Mexico. The idea was being industriously disseminated that war with Great Britain must be the result of the position taken by the president on the Oregon question, and Slidell would not be surprised to hear soon that his escort was ready. A postscript dated the 15th adds that the escort, as Slidell has been officially notified, is at his disposal, and that he will leave for Jalapa on the 17th.

The next communication from Slidell is dated Jalapa, February 6.[1] He thought the policy of the Mexican government as to his reception would be controlled by the aspect of the Oregon question. Should there be a continued prospect of war with Great Britain, there would be faint hope of any change of attitude on the part of Mexico. The financial embarrassment of the Paredes administration was described; and Slidell said that he had taken care before leaving the city of Mexico to convey to the Mexican government, through a person in confidential relations with Paredes, a hint that relief might be obtained if Mexico would consent to

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 50–61.

a satisfactory adjustment of the boundary question.[1]

In accordance with his instructions, Slidell, March 1, 1846, asked for a final decision as to whether he would be received.[2] The demand was to be presented by the United States consul in the city of Mexico, who, if he found the Mexican minister of foreign affairs disposed to talk over the situation, was to inform him that Slidell would apply for his passports unless he had a definite and favorable answer by the 15th.[3] On that day the answer came, but it was a peremptory refusal.[4] It intimated that the threatening display of force by the United States on the Mexican frontier sufficiently justified in itself the repulse of conciliatory propositions: but the reasons by which the conduct of the Mexican government was determined were, in substance, that the rights of Mexico had been violated by the annexation of Texas; that she had treated the act as a *casus belli* from the first; and that the United States government, having consented to negotiate on the Texas question alone, was now introducing other subjects. Slidell was in doubt as to whether the refusal to receive him was due to the fear that consent to negotiate might weaken the Paredes government, as it had weakened

[1] For this statement, see the original U. S. MS., Archives, State Dept. Its omission from the letter as printed is indicated on p. 57 of the document referred to.

[2] *House Exec. Docs.*, 30 Cong., 1 Sess , VII., No. 60, p. 63.

[3] *Ibid.*, p. 62.

[4] *Ibid.*, pp. 67–72.

that of Herrera, or to reliance on foreign intervention. The United States consul in the city of Mexico reported that, on the day when Slidell's letter of March 1 was received, Paredes paid several visits to the British minister.[1] This statement, while to some extent discounted by Slidell, seemed to indicate that the minister of Great Britain was the confidential adviser of the Mexican government. Two days after Slidell was finally informed that he would not be received he requested his passports, and some ten days thereafter he sailed from Vera Cruz for New Orleans. The appeal to reason had failed, and now there remained only the appeal to arms.

Slidell ought to have been received, and he certainly would have been had not the Mexican government been so insecure in its tenure and so hampered by popular feeling. It was undoubtedly Polk's object in renewing the negotiations to obtain the peaceable cession of California, not for the sake of extending the area of slavery,[2] but because of the great value of the acquisition, and to prevent Great Britain from obtaining a foothold there. He had the plan in view from the beginning of his administration; but he did not mean, as his political enemies and critics have so often charged, that it should be accomplished by unscrupulous aggression.[3] He knew that Mexico owed to the United

[1] Slidell to Buchanan, March 18, 1846, U. S. MS. Archives, State Dept. [2] Bourne, in *Am. Hist. Review*, V., 492.
[3] Schouler, *United States*, IV., 498.

States a large sum which it had not the means to pay, and he hoped to secure a settlement in the form of a territorial indemnity.[1] It was because of the excitement caused by the publication in Mexico of statements to that effect that Slidell was not received.[2] But the reasons given by the Mexican government for its action were not good. It would have been better to meet the issue more frankly, and refuse to negotiate at all, than to try to exclude the question of the claims from the negotiations. The proposition that Slidell, in his letter of November 30, 1845, indicated his intention to make to the Mexican government, and which was tacitly agreed to by Polk, would have given to Mexico a chance to settle the claims and secure an adjustment by conceding only the Rio Grande boundary. This is sufficient proof that Polk had not determined to insist positively on having California.[3]

After the refusal to receive Slidell, war might have been avoided still, but only by the exercise of greater forbearance than has usually characterized international relations in any part of the world or any age. The most valid criticism of Polk's aggressiveness in forcing the conflict rests on the weakness and disorganization of Mexico. But longer waiting in readiness for war would have been expensive, and there was little hope of obtaining any

[1] Cf. Reeves, in *Am. Hist. Review*, X., 310.
[2] *Ibid.*, 311.
[3] Cf. Polk, *MS. Diary*, May 13, 1846.

adjustment by the exercise of patience. Moreover, in the programme of such a president as Polk there was no place for delay: it was not in accord with either the spirit or the practice of his administration.

CHAPTER XV

CONQUERING A PEACE
(1846–1848)

IT was only after Polk felt assured of the refusal to receive Slidell that he assumed an attitude so aggressive as clearly to challenge war; and from that time forward it seems to have been his desire to carry the struggle just far enough to bring Mexico to the point of conceding a territorial indemnity on the terms which he had intended to offer through Slidell. In accordance with this policy he suggested, while the question of Slidell's reception by the Paredes government was yet in suspense, that Slidell should be directed to go on board a United States vessel and wait for further instructions.[1] The object of this plan was evidently to be able to resume negotiations, as soon as Mexico had felt the pressure sufficiently, without the delays incident to a correspondence between the two capitals. The same considerations influenced, at a later stage of the war, the appointment of Trist.[2] To this method of pushing on the conflict, with the sword in one

[1] Polk, *MS. Diary*, February 17, 1846.
[2] *Senate Docs.*, 30 Cong., 1 Sess., I., No. 1, p. 39.

hand and the olive-branch in the other, Polk applied the peculiar designation of "conquering a peace."

After the declaration of war by Congress, May 12, 1846, General Scott, the commander-in-chief of the United States army, was appointed to command directly the forces that were to operate against Mexico. According to a plan of operations which appears to have originated with President Polk himself, but which was concurred in by Secretary of War Marcy and by General Scott, New Mexico and California, which Polk intended to claim by way of indemnity, and Chihuahua, were to be occupied and held; the United States forces were to be pushed towards the heart of Mexico in order to force the Mexicans to terms; and the naval forces in the Gulf and the Pacific were assigned specific duties in connection with the general scheme.[1]

The plan was in keeping with the main purpose of the war, and was, on the whole, well adapted to insure success. The northern provinces were far distant from the city of Mexico; the hold of the central government upon them was but slight; and, even if its available forces had been sufficiently strong and effective to send the troops needed to resist invasion, the difficulties of transportation would have been hard to overcome. Of course, similar difficulties were experienced in throwing the United States troops into the interior of northern

[1] Ripley, *War with Mexico*, I., 149; Polk, *MS. Diary*, May 14, 16, 1846.

Mexico; but such operations were far easier for a strong government with abundant resources than for one so ill established and so lacking in means as that of Herrera or Paredes. The population of the north Mexican provinces was sparse and unenergetic, and could not be relied on for its defence; the local governments were weak and inefficient; and in 1846 that of California was disastrously affected by dissensions between two rival leaders, José Castro and Pio Pico, representing respectively the northern district and the southern.[1] It was in the northern district, in the lower valley of the Sacramento River, and near the bay of San Francisco that the foreign population, including the Americans, was most numerous.

The plan for a campaign directed at the city of Mexico was gradually developed as the war went on. The impression of Polk and his advisers at first was that a vigorous invasion of Mexico would end the war, without the necessity of pushing it far into the interior; and, since operations on the coast in the summer were so dangerous, the attack was made first in the north. The resistance of the Mexicans was, however, more desperate and prolonged than was expected, and ultimately the change was made to the shorter and more direct line of advance by way of Vera Cruz.

The occupation of New Mexico and California was accomplished speedily and with little resistance.

[1] Hittell, *California*, II., bk. vi., chaps. ii.–v., passim.

MOUNTAIN PASSES
AND
OVERLAND ROUTES
(1841 - 1850)
SCALE OF MILES
0 50 100 150 200 250 300
Longitude West from Greenwich
Ft. Vancouver
Columbia R.
Ft. Walla Walla
OREGON TERRITORY
UNORGANIZED
ROCKY MOUNTAINS
Missouri R.
Yellowstone R.
FREMONT
Ft. Boise
(1843-4)
Ft. Hall
Platte R.
Klamath R.
Lassen Pass
PIONEER ROUTE
Great Salt Lake
Ft. Bridger
UTAH TERRITORY
(1845)
FREMONT
(1843-4)
Green R.
Grand R.
SPANISH TRAIL
Marysville
Sacramento
Sanz Francisco
San Jose
Santa Cruz
Monterey
Sacramento R.
Beckwith Pass
Johnson Pass
Sonora Pass
CALIFORNIA
Walker Pass
Tehachapi Pass
FREMONT
(1843-4)
Santa Barbara
Los Angeles
Cajon Pass
NEW MEXICO TERRITORY
Santa Fe
Colorado R.
San Diego
Gila R.
KEARNY
(1846)
Rio Grande
PACIFIC OCEAN
BORMAY ENGRAVING CO., N.Y.

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CALIFORNIA

Orders were issued to General Kearny, who was chosen to lead the expedition for this purpose, on June 3, 1846, to march for Upper California by way of Santa Fé.[1] After occupying New Mexico, he was to leave a sufficient force there to retain possession, and was then to push on to his ultimate destination. The eighteen hundred troops that were to compose the expedition were concentrated by the end of July at Bent's Fort, where the Santa Fé Trail crossed the Arkansas River. From that point Kearny advanced upon Santa Fé. An army of four thousand Mexicans was gathered to oppose him, but dissolved on his approach; and on August 18 he occupied the city.[2] After having remained in New Mexico long enough to complete his conquest of the territory and to organize a temporary government for it, on September 25 he left for California with only three hundred dragoons; and on October 7, because of the news that California was already in possession of United States troops, he sent two hundred back. With the remaining hundred he pushed on to California. After defeating a Mexican force at the battle of San Pascual on December 6, in which eighteen of his men were killed and nearly as many, together with himself, were wounded,[3] he made his way to San Diego.

[1] Marcy to Kearny, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 153–155. [2] Kearny to Jones, *ibid.*, p. 169.
[3] Kearny to adjutant-general, in *Senate Docs.*, 30 Cong., 1 Sess., I., No. 1, pp. 514–516.

It was a fact, as Kearny had heard, that the conquest of California had been achieved already. This was the work of the United States naval forces in the Pacific, which were, at the outbreak of the war with Mexico, under the command of Commodore John D. Sloat. Among the series of orders issued from the departments of war and the navy in the spring and summer of 1845, when Texas was about to accept the offer of annexation and the threats of Mexico were to be put to the test, was one to Commodore Sloat, dated June 24, containing general instructions to suit the emergency. He was warned to avoid any act of aggression, but was reminded of the defenceless condition of the Mexican ports on the Pacific, and directed to take possession of San Francisco the moment he heard that Mexico had declared war against the United States.[1] But to accomplish the purposes of the administration at Washington it became necessary to employ other means. On October 17, 1845, therefore, Thomas O. Larkin, United States consul at Monterey, was appointed confidential agent of the government, and instructed to watch for European interference in the affairs of California and to do what he could to thwart it. He was informed that "Whilst the president will make no effort and use no influence to induce the Californians to become one of the free and independent states of this

[1] Bancroft to Sloat, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 231.

Union, yet if the people should desire to unite their destiny with ours, they would be received as brethren, whenever this can be done without affording Mexico any just cause of complaint." [1] His instructions were carried to him by Lieutenant A. H. Gillespie, who was given a like appointment and was directed to co-operate with Larkin.[2]

Immediately upon the declaration of war, Sloat was informed that the time for him to act had come, and a number of orders that followed gave instructions in detail to him and to his successor in command, Commodore R. F. Stockton.[3] News of the fighting on the Rio Grande reached Sloat May 17, 1846,[4] and, after several weeks of delay, which brought upon him the censure of the department of the navy and contributed to his subsequent removal, on July 7 he took possession of Monterey. On the 9th of the same month Captain Montgomery, acting under orders from Sloat, occupied San Francisco. This was followed up by the unresisted occupation of the principal posts in northern Califorina. August 13, Stockton, who had meanwhile superseded Sloat, took possession of Los Angeles, and the conquest of the south was accomplished as easily as that of the north. The in-

[1] Buchanan to Larkin, October 17, 1845, partly quoted and partly summarized in Bancroft, *California*, IV., 596–598.

[2] Buchanan to Larkin, October 17, 1845, in Polk, *MS. Diary*, October 30, 1845.

[3] Bancroft to Sloat, May 13, 1846, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 233. [4] Bancroft, *California*, V., 202.

discretion of Gillespie, who was posted by Stockton at Los Angeles as military commandant of the south, provoked a rising of the Californians known from the man chosen to lead it as the Flores revolt.[1] Los Angeles was retaken, and the United States troops were driven from the interior in the south; but after a series of engagements, which involved few casualties and of which the most serious was that of San Pascual already mentioned, the insurrection was stamped out, Los Angeles again occupied, and the conquest made final in January, 1847.

Just before Sloat landed at Monterey on July 7, 1846, there occurred at Sonoma, a short distance north of San Francisco Bay, a rising against the Mexican government in California on which the standard adopted by the insurgents fixed the name of the Bear Flag revolt. Because an effort was afterwards made to represent this movement as part of the conquest, and because it has been popularly regarded as such,[2] a little explanation is required to set it in its true light. The rising has been charged on the one hand to the instigation of Captain John C. Frémont,[3] while on the other it has been represented as in opposition to his plans.[4]

[1] Bancroft, *California*, V., 305–310.

[2] *House Reports*, 30 Cong., 1 Sess., IV., No. 817, p. 4; cf. Royce, *California*, 135; Bancroft, *California*, V., 90.

[3] Bancroft, *California*, V., 91; Royce, *California*, 79, 146.

[4] Hittell, *California*, II., 435. Hittell, Bancroft, and Royce all bring out Frémont's connection with the rising in its earlier stages; but they do not reach the same conclusions as to his complicity.

However this may be, it was well calculated to undo the work of Larkin, who, under his instructions from Washington, was successfully endeavoring to conciliate the Californians and to secure their peaceful acquiescence in the acquisition of that country by the United States.

Frémont was a young officer of the corps of topographical engineers of the United States army who had distinguished himself by his western explorations. He was the *protégé*, and in 1841 became the son-in-law, of Senator Benton. Soon afterwards he was sent by the government on two expeditions intended to gather information relative to the country lying west of the Missouri River. In the first, 1842, he explored the district between that river and the Rocky Mountains, and reached the divide of this range at the famous South Pass; in the second, made in 1843–1844, he penetrated to Oregon and to northern California.[1] Now he was engaged upon a third expedition, which brought him into the latter district again in December, 1845. He claimed that the Mexican authorities had given him permission to winter in the valley of the San Joaquin and to continue his explorations southward to the Colorado.[2] Early in March, 1846, while he was in the

[1] Frémont's reports, *Senate Docs.*, 28 Cong., 2 Sess., XI., No. 174.

[2] The narrative from this point forward is based on the letters of Larkin and Frémont and other materials published in *Niles' Register*, LXXI., 187–191, and the studies of Bancroft, Hittell, and Royce, in their works already cited.

valley of the Salinas near Monterey, he was ordered to leave California at once, in accordance with instructions promulgated in July, 1845, by the government of Mexico for the expulsion of foreigners, and perhaps because of alleged misconduct on the part of his men. Instead of doing so, he erected fortifications, raised the United States flag, and stood on the defensive. There was a show of attack upon him, but none was made; and in a few days he moved northward to Klamath Lake, on the Oregon border. There he was found, May 9, 1846, by Lieutenant Gillespie, who had come to California as the bearer of despatches to Larkin, and, after delivering them, went to join Frémont.[1] It has been supposed, and was even asserted long afterwards by Frémont himself, that Gillespie brought him secret instructions from the authorities at Washington; but the supposition is clearly disproved.[2] Soon afterwards Frémont returned to California, and established his camp early in June at Marysville Buttes, in the lower Sacramento Valley.

It is the conclusion of the historian Hittell that "Frémont's secret policy was to provoke the Californians to attack him or to take some other step against the Americans, which should furnish a pretext for war."[3] This seems a not unreasonable in-

[1] Royce, *California*, 56.

[2] *Ibid.*, 133–150; cf. Polk, *MS. Diary*, October 30, 1845, where mention is made of instructions to Larkin and Gillespie, but of none to Frémont.

[3] See Hittell, *California*, II., 419.

terpretation of the facts, and makes clear some things that would otherwise be inexplicable. It may also be safely assumed that the policy would accord well with the tutoring of Frémont's strenuous father-in-law, and the conclusion must be correct. Hittell's opinion that the countermarch from Oregon was due to some message brought by Gillespie has much to sustain it, but the evidence points rather to a private communication from Benton than to an order from the secretary of war.

While Frémont was at Marysville Buttes in June, 1846, the Bear Flag revolt occurred. This began with the dissemination of a written statement among the American settlers in the Sacramento Valley to the effect that a force of Spaniards was marching that way and spreading devastation as it came.[1] The immigrants were invited to come to Frémont's camp, and a number went, including William B. Ide, who soon became prominent as a leader among them. Frémont proposed to Ide that the Mexican *comandante*, Castro, should be provoked to attack the Americans, so as to bring about the interference of the United States and the conquest of California. Ide refused; but a part of the immigrants under the lead of Ezekiel Merritt seized a drove of horses that a detachment of Mexican troops was carrying to the camp of Castro. The horses were brought to Frémont's camp and turned over to him temporarily for safe-keeping.

[1] Hittell, *California*, II., 422 et seq.

Meanwhile the idea of a movement for independence spread among the immigrants at the camp, and several of Frémont's men asked him to discharge them from his service so that they might take part in it; but he refused. The immigrants, however, led by Merritt and Ide, organized a party of thirteen, which was soon swelled by reinforcements to thirty-two, marched to Sonoma, and captured the local *comandante*. Then inquiry developed the fact that they were not acting by Frémont's orders; but Ide insisted on following up the movement, and under his direction the insurgents seized the fort at Sonoma and took possession of the arms and military stores. Merritt and seven others then took the prisoners and went back to Frémont's camp, while Ide and the twenty-three who remained completed their work by raising, on June 14, 1846, an improvised banner of independence which was styled the Bear Flag.

Though Frémont had not ordered the Bear Flag to be raised, he did not think best to hold aloof after the movement had gone so far. He went to Sonoma, reaching there June 25, and Hittell represents him as taking possession of the insurrection and using it for his own purposes.[1] It had, however, nearly run its course when it fell into his hands. Almost immediately thereafter came the news of Sloat's landing at Monterey, and for the Bear Flag was quietly substituted the stars and stripes.

[1] Hittell, *California*, II., 449–452.

When Sloat turned over the command to Stockton his orders implied that the latter was to control the operations by land as well as by sea. Stockton therefore organized a battalion of volunteers, with Frémont as major and Gillespie as captain, and sent it into southern California to complete the conquest.[1] A few days later he himself followed, and the occupation of the south was soon accomplished. In August Stockton undertook to organize a territorial government, with Frémont as governor; but in the spring of 1847 General Kearny, in accordance with his instructions,[2] undertook to establish a provisional civil government. He was at first thwarted by the joint opposition of Stockton and Frémont, but the authorities at Washington supported Kearny, and he was at length enabled to continue the work with which he had been charged. Frémont was court-martialed for his conduct during the controversy, found guilty of mutiny, and sentenced to dismissal from the service. President Polk remitted the sentence, but Frémont insisted on resigning.[3]

The original plan of occupying and cutting off the northern part of Mexico included an expedition against Chihuahua. This was committed to General Wool, who was to act under the orders of Gen-

[1] *House Exec. Docs.*, 30 Cong., 2 Sess., I., No. 1, p. 1008.
[2] Marcy to Kearny, June 3, 1846, *ibid.*, 1 Sess., VII., No. 60, pp. 153–155.
[3] *Senate Docs.*, 30 Cong., 1 Sess., No. 33; cf. Polk, *MS. Diary*, February 2, 5, 12, 13, 1848.

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eral Taylor.[1] The troops for this expedition, numbering about three thousand, were concentrated at San Antonio and organized into what was called "the army of the center." Wool crossed the Rio Grande early in October, 1846, but found it impracticable to march directly on Chihuahua, and was forced to make a wide détour to the southward. On the 29th of the month he reached Monclova; but it had already become apparent that the expedition was practically useless, and the "army of the center" was drawn eastward and merged with the "army of occupation" under Taylor.[2]

Meanwhile a force of about eight hundred and fifty men under Colonel A. W. Doniphan had been detached by Kearny from his troops in New Mexico and ordered to join Wool. Starting December 14, 1846, Doniphan led his command southward through El Paso, defeating the Mexicans in the battles of Brazito and Sacramento by the way.[3] March 1, 1847, he occupied Chihuahua, where he remained nearly two months. During this time his men, who, though good fighters, were altogether lacking in discipline, plunged into all sorts of excesses, and drew from him the complaint that they were "wholly un-

[1] Scott to Taylor, June 12, 1846, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 325–327.

[2] Polk, *MS. Diary*, October 20, 1846; Taylor to adjutant-general, November 9, 12, 1846, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 361, 374–376.

[3] Doniphan to Jones, March 4, 1847, in *Senate Exec. Docs.*, 30 Cong., 1 Sess., No. 1, pp. 497–502.

fit to garrison a town or city." [1] Towards the end of April he finally abandoned Chihuahua, in spite of the objections of the American merchants there, and marched to join Taylor's army at Saltillo.

The army which was most depended on to force Mexico to terms was that operating in the east. The campaign in this quarter began with an advance from Matamoras through Tamaulipas and Nuevo León into Coahuila. But as it progressed the plan was gradually assimilated, so far as these states were concerned, to that which had been followed in dealing with California and New Mexico, and became one of simple occupation; while the attack was shifted to the south, and the final advance was made from Vera Cruz direct on the city of Mexico.

In the prosecution of the war, in this part especially, the administration was much hampered by the character and conduct of the generals on whom the detailed development and execution of the plan devolved. The friction thus arising was increased by mutual suspicions of political motives between President Polk, certain members of his cabinet, and the generals themselves. At the outset General Gaines, commanding the western military division, caused serious embarrassment by issuing, on his own authority, a call for an unnecessarily large number of short-time volunteers; [2] thereupon he

[1] Doniphan to Wool, March 20, 1847, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 1128.

[2] Polk, *MS. Diary*, June 5, 1846.

was relieved of his command and ordered to Washington. More annoying, even if not more serious in the outcome, was the series of quarrels and mutual recriminations among the higher officers that marked the whole course of the war. It happened that the two generals to whom fell the chief management of operations in the field, Scott and Taylor, were both Whigs in their political views, and both of them, as well as many officers of rank, were distrusted by President Polk.[1] When war was declared Scott was appointed to take charge of the campaign against Mexico simply because he was already commander-in-chief of the United States army.[2] His delay, however, in leaving for the field of operations led to complaints, which he answered May 21, 1846, in a letter to Secretary of War Marcy, making very offensive imputations against the president.[3] For this he was excused from command of the "army of occupation" and directed to remain at Washington. Here he remained throughout the larger part of the first invasion and the campaign in northern Mexico. As for Taylor, who commanded the army in that district during the interval, he proved himself an obedient soldier and a good fighter; but his want of initiative and failure to push advantages when gained, together with his

[1] Polk, *MS. Diary*, May 23, September 5, November 14, 17, 1846.

[2] *Ibid.*, May 13, 1846.

[3] *Niles' Register*, LXX., 231. As to Scott's delay, see Polk, *MS. Diary*, May 23, 1846.

rather reckless disposition of his troops, rendered him, in the judgment of Polk and his cabinet, unfit for commander-in-chief.[1]

The latter part of the war especially was marked by a series of charges and counter-charges, between Scott on one side and Generals Pillow and Worth and Colonel Duncan on the other, which resulted in Scott's being superseded by General W. O. Butler after the taking of Mexico, and in the holding of a court of inquiry in that city; but some of the charges were withdrawn and the rest were not sustained.[2]

Soon after the war began, another of the customary revolutions in Mexico brought the fall of Paredes and placed the government in the hands of Santa Anna. To this event the authorities at Washington contributed in some degree themselves. Santa Anna had been expelled from Mexico in 1845, and was residing at Havana. February 13, 1846, information to the effect that he was disposed to make peace with the United States on terms approximating in some degree those desired by Polk was received by the president.[3] Then, on April 7, came a despatch from Slidell, dated March 15,[4] in which, after stating that he had just heard of the definite refusal of the Mexican government to

[1] Polk, *MS. Diary*, September 5, 1846, and June 5, 1847.

[2] For a statement of the charges, etc., see Wright, *Scott*, 264–288.

[3] Polk, *MS. Diary*, February 13, 1846.

[4] U. S. MS. Archives, State Dept.

receive him, he indicated his opinion that Santa Anna could easily put down Paredes, and intimated that in such an event there would be another chance for the success of his mission.

With these assurances concerning Santa Anna's attitude it was thought worth while, on the declaration of war, to issue orders to Commodore Conner, who was blockading the Gulf ports of Mexico, to allow the exile free entry in case he should return.[1] Early in August, 1846, the Paredes government was overthrown, and on the 16th Santa Anna arrived at Vera Cruz.[2] While he could scarcely have been kept out of Mexico, it seems to have been a mistake to facilitate his entry. He did nothing to promote a more conciliatory attitude on the part of the Mexicans; on the other hand, he organized resistance to the invasion more effectively than would have been possible, perhaps, for any other Mexican leader.

The limits of this volume forbid anything more than a very general description of the military operations of the war. The United States troops, though always outnumbered—in some cases heavily—and usually with the advantage of position against them, enjoyed such superiority both in *morale* and in *materiel* that they were almost uniformly victorious. Their victories, however, were

[1] Bancroft to Conner, May 13, 1846, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 774.

[2] Conner to Bancroft, August 16, *ibid.*, p. 776.

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by no means easy; on the contrary, they were obtained only at the cost of no little bloody fighting and of great loss of men. And, as is not unusual in like emergencies, there was much complaint of the extravagance and inefficiency of the quartermaster's department.[1]

The attack on Mexico began with the advance of Taylor's army. Two battles, Palo Alto, on May 8, 1846, and Resaca de la Palma, on the following day, were required to drive the Mexicans across the Rio Grande. Taylor then advanced from Matamoras through Tamaulipas into Nuevo León, and after defeating the Mexicans in a three days' battle, September 21–23, at Monterey, the capital of Nuevo León, he captured that city. Saltillo, the capital of Coahuila, was occupied by the United States troops on November 16; and Victoria, the capital of Tamaulipas, December 29.

It had long before this become a most important question whether the campaign should be confined to the occupation and cutting-off of northern Mexico, or whether the army should be pushed on towards the city of Mexico. Taylor recommended the first of these two plans; but when asked his advice as to what should be done further, and especially whether an expedition should be aimed at the city of Mexico from near Vera Cruz, he had been hesi-

[1] *Niles' Register*, LXX., 310; *Cong. Globe*, 29 Cong., 2 Sess., 298; Polk, *MS. Diary*, August 18 and 19, 1847.

tating and non-committal in his answer.[1] Orders issued direct from Washington September 22, 1846, in connection with the scheme before it was fully developed, to General Patterson, one of Taylor's subordinates, drew from Taylor himself a resentful protest.[2] Finally the plan of capturing Vera Cruz and marching thence upon the city of Mexico was adopted by Polk and his cabinet, with a little objection from Buchanan as to advancing beyond Vera Cruz,[3] and Scott was elected to lead the expedition. Soon after his appointment he left Washington, and about the end of December he reached Matamoras and began to make preparations for the attack on Vera Cruz. Part of Taylor's men were drawn away for the southern campaign, and renewed complaints from him were added to the general chorus of discord and dissatisfaction.[4]

Information of the shifting of the attack to the south reached Santa Anna through intercepted despatches, and he at once conceived the project of a counter-stroke. Advancing northward with an army of more than twenty thousand men, he came upon Taylor February 23, 1847, with only about one-fourth that number at Buena Vista, a few miles south

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 324, 353, especially Taylor to adjutant-general, July 2, 1846, *ibid.*, pp. 329–332; cf. Polk, *MS. Diary*, September 15, 1846.

[2] Taylor to adjutant-general, October 15, 1846, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 351–354.

[3] Polk, *MS. Diary*, November 14, 1846.

[4] Taylor to adjutant-general, January 27, 1847, in *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 1100–1102.

of Saltillo. The American troops gained a brilliant victory,[1] and with this the serious work of the "army of occupation" was at an end.

Attention was now centred on the southern campaign. During the month of February, 1847, Scott's troops were conveyed by sea from Brazos Santiago and concentrated on the island of Lobos, about sixty miles south of Tampico. On March 9 a landing was made without opposition near Vera Cruz. With the co-operation of the naval forces under Commodore Conner the city was invested, and, after a brief siege culminating in a sharp bombardment, was captured March 29, 1847.[2]

Next in order was the advance upon the city of Mexico, which began April 8. The first resistance was met at Cerro Gordo, where, on April 17 and 18, Scott's army of not more than nine thousand drove thirteen thousand Mexicans, in disastrous defeat, from a naturally strong and well-fortified position. Finally there was a series of battles near the city of Mexico, which culminated in its capture, and which will be referred to further on.[3]

Meanwhile another effort was made by Polk to negotiate, an idea which even after the failure of the Slidell mission had been kept steadily in view. This was the main consideration that influenced the

[1] Taylor to adjutant-general, March 6, 1847, in *Senate Docs.*, 30 Cong., 1 Sess., I., No. 1, pp. 132–141.

[2] Scott to Marcy, March 29, 1847, *ibid.*, 229.

[3] See p. 250, below.

government in promoting Santa Anna's return, and as soon as he was back in Mexico an offer to renew negotiations was made at once, but it was declined.[1] The offer was renewed on the eve of the southern campaign, but was again practically declined by making it a condition that the invading armies should be withdrawn.[2] When Vera Cruz had fallen, however, at the outset of Scott's march on the city of Mexico, Polk and his cabinet agreed that it would be well to send along with the army a commissioner who should be ready to offer terms of peace to Mexico without delay as soon as she had been driven to the proper stage of submission. For this office N. P. Trist, then chief clerk of the department of state, was finally selected, and he received his instructions April 15, 1847. The next day he left Washington, and May 6 he reached Vera Cruz. The terms he was authorized to offer were substantially the same as those contained in the instructions to Slidell, except that Trist was to pay five millions less for the same boundary; while he was to negotiate for the possession not only of Upper California and New Mexico, but of Lower California and also for the right of way across the isthmus of Tehuantepec, two objects not included in the instructions to Slidell.[3]

[1] Buchanan to Mexican minister of foreign relations, July 27, 1846, in *Cong. Globe*, 29 Cong., 2 Sess., App., 27.

[2] Monasterio to Buchanan, February 22, 1847, in *Senate Docs.*, 30 Cong., 1 Sess., I., No. 1, p. 36.

[3] See *ibid.*, VII., No. 52, pp. 85–89.

On Trist's arrival at the camp of Scott's army there followed an unseemly quarrel between the two as to the powers of the commissioner. Scott, who was angry at being made the instrument rather than the agent of the negotiations, had been directed to refer to Trist the question of continuing or discontinuing hostilities; but he refused to do so unless Trist were given superior military rank to his own, and he declined to transmit the letter from Buchanan to the Mexican minister of foreign relations which Trist had brought.[1] Trist secured its delivery through the good services of Bankhead, the British minister in Mexico, and Thornton, his secretary of legation. The quarrel between Scott and Trist was at length terminated by a reconciliation, which took place near the end of June, and thenceforth they were hand in glove.[2]

In answer to the proposition to negotiate which came through Trist, Santa Anna contrived to intimate that, if he were paid ten thousand dollars down and one million on the conclusion of peace, negotiations should begin at once. After consulting with several of his officers, in a conference held late in July or early in August, Scott paid the ten

[1] *Senate Docs.*, 30 Cong., 1 Sess., VII., No. 52, pp. 120, 121; cf. Reeves, "Treaty of Guadalupe-Hidalgo," in *Am. Hist. Review*, X., 309–324.

[2] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, p. 1011; cf. Ripley, *War with Mexico*, II., 147–151.

thousand dollars.[1] Still no step was taken by the Mexicans towards negotiation until they were beaten in the engagements at Contreras, August 19 and 20, and Churubusco, August 20, 1847. Then Scott himself proposed an armistice, which was accepted August 24. Commissioners were appointed to meet Trist, and the effort to conclude a treaty began. Whether it could have been accomplished at that stage of the "conquering" on the basis of his instructions is uncertain; but Trist's wavering attitude undoubtedly served to make the possibility much less. The Mexican commissioners still refused to come to terms, and submitted counter-propositions which were in conflict with those instructions, but which Trist referred to the authorities at Washington.[2] As soon as unofficial news of what Trist had done was received there, President Polk, without waiting to hear from him directly, ordered his recall.[3]

In the mean time the armistice had been terminated and the advance of the United States troops renewed. The victories of Molino del Rey, September 8, and Chapultepec, September 13, opened the way to the city of Mexico, which was occupied on September 14.[4] Santa Anna abdi-

[1] Ripley, *War with Mexico*, II., 153–155; Polk, *MS. Diary*, December 28, 1847.

[2] *Senate Docs.*, 30 Cong., 1 Sess., VII., No. 52, p. 345.

[3] Buchanan to Trist, October 6, 1847, *ibid.*, pp. 91–93; Polk, *MS. Diary*, October 5, 1847.

[4] See official reports of these operations, in *Senate Docs.*, 30 Cong., 1 Sess., I., No. 1, pp. 354–471.

cated, and on November 22 the new government announced to Trist that it had appointed commissioners to negotiate. Trist had already received the letter recalling him; but, in spite of this fact, he listened to the suggestion of the Mexicans that they were not officially notified of his recall and were anxious to negotiate on the terms of his original instructions.

The negotiations terminated with the treaty of Guadalupe-Hidalgo, signed February 2, 1848. The boundary agreed upon was to follow the Rio Grande from its mouth to the line of New Mexico; that line westward and northward to the first branch of the Gila it should cross; that branch and the Gila to the Colorado; and the line between Upper and Lower California thence to the Pacific.[1] For the territory thus ceded by Mexico the United States was to satisfy the claims of its citizens on the Mexican government, and to pay in addition thereto fifteen million dollars. In spite of the fact that Trist's authority had been withdrawn before the final negotiations, President Polk submitted the treaty to the Senate, and after some opposition and suspense it was ratified, March 10, 1848, by a vote of 38 to 14.

The opposition came at least partly from those who desired the whole of Mexico.[2] Among them were included Buchanan and Walker, of the cabinet, together with a number of Democratic sena-

[1] *U. S. Treaties and Conventions*, 683.
[2] Polk, *MS. Diary*, February 29, 1848.

tors, and they were backed by a strong and growing public sentiment. Buchanan's attitude, in fact, changed in apparent accord with this variation in popular feeling. At the opening of the war he insisted that the president should disavow any purpose of acquiring California or New Mexico, and should assert that the United States desired no more than the Rio Grande boundary.[1] Polk refused to make such a statement, saying that, while the war was not undertaken for the sake of conquest, it was his intention to insist on a territorial indemnity which should cover, besides the claims, the expenses also of the war. This view he consistently maintained; but with the progress of the war and the growth of the popular impulse to absorb Mexico entirely, Buchanan shifted his ground till he became apparently one of the most advanced among the radical expansionists.

Polk himself, in his annual message of December 7, 1847, when the city of Mexico was in the possession of Scott's troops, declared that if peace could not be obtained otherwise it might be necessary for the United States government to take "the full measure of indemnity" into its own hands, but insisted that he had never contemplated "a permanent conquest of the Republic of Mexico," nor the extinction of its independent nationality. Buchanan would have preferred to say that if the military occupation of Mexico and the encouragement

[1] Polk, *MS. Diary*, May 13, 1846.

and protection of the friends of peace did not bring the Mexicans to terms, then the United States "must fulfill that destiny which Providence may have in store for both countries." This was understood to be a declaration in favor of taking all of Mexico, and, with the understanding that the expression would be thus interpreted, all the cabinet except Attorney-General Clifford favored it. The president, however, insisted rigidly on his own views; and, in spite of the evident popularity of the "all of Mexico" policy, he determined the matter by accepting the treaty negotiated by the discredited commissioner Trist.[1] Polk had "conquered a peace" and settled the claims; therewith he was content.

[1] Bourne, "The United States and Mexico, 1847–1848," in *Am. Hist. Review*, V., 491–502, and in his *Essays in Historical Criticism*, 227–242.

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CHAPTER XVI

THE WILMOT PROVISO

(1846–1847)

ONE thing that served to weaken greatly the impulse of southwestward expansion and to prevent the absorption of the whole of Mexico as a result of the war was the "growing realization that territorial expansion and the extension of slavery were so inextricably involved with each other that every accession of territory would precipitate a slavery crisis." [1] This created a determined and outspoken opposition to any further acquisition in the southwest. An issue was thus made up which soon became the basis of a new political organization; national party lines began to waver; diverse elements gradually coalesced and unified into two great sectional groups,[2] standing apart and facing each other with resolute purpose, the one to prevent the national government from promoting by any act either of commission or omission the in-

[1] Bourne, in *Am. Hist. Review*, V., 502.

[2] Cf. Calhoun's speech at Charleston, March 9, 1847, in his *Works*, IV., 382–396.

terests of slavery, and the other to guard those interests from national interference.[1]

The process of party reorganization with reference to slavery as the main issue becomes easily traceable during the Mexican War, and the first important phase of it was the struggle over what was termed the Wilmot Proviso. This was an attempt to prevent slavery from following the United States flag southwestward. It proceeded not from the party of opposition to the war, the Whigs, to whom the elections of 1846 had given control of the House, but from the Democracy. The man with whom it originated was Jacob Brinkerhoff, a representative from Ohio, who belonged to the ardent group of dissatisfied followers of Van Buren.[2] He had vigorously opposed the annexation of Texas, and had sought to amend the resolution for its enactment so as to exclude slavery from the western and northwestern half of the territory annexed.[3] It is interesting to note that he at that time claimed half the territory to be annexed for the North as a matter of equity; the Wilmot Proviso, however, was based on the denial of a similar claim on behalf of the South.

During the progress of the Mexican War Brinkerhoff took advantage of a favorable opportunity to

[1] Cf. Chadwick, *Causes of the Civil War* (*Am. Nation*, XIX.), chap. iv.

[2] See his speech on the annexation of Texas, in *Cong. Globe*, 28 Cong., 2 Sess., 131.

[3] *Ibid.*, 132, 192.

raise again the question relative to slavery in the territory whose acquisition was in prospect. Since his attitude towards annexation had weakened his influence with the Democratic majority, he thought it best that some other member of the party whose record could not so easily be used against him should lead in presenting the subject to Congress. The most suitable person was found in David Wilmot, of Pennsylvania, who was in favor with the South because of his support of the annexation of Texas and his vote for the Walker tariff. Brinkerhoff himself simply wrote the proviso, and Wilmot introduced it.[1] Chase said of it that its Democratic origin made it distasteful to the Whigs.[2] Strong, of New York, represented it in the House as the device of the Barnburners in that state to promote the interests of that division of the Democracy against those of the administration.[3] The circumstances of its origin suggest, if no more, that its introduction was simply a manœuvre for political advantage in a family quarrel among the Democrats. If there were other members of Congress who could have thrown a clearer light on the birth of the proviso, they did not choose to do so.

The occasion from which the proviso sprang was Polk's scheme for the acquisition of California and

[1] Wilson, *Slave Power*, II., 16; see *Cong. Globe*, 29 Cong., 2 Sess., 353.

[2] Chase to J. P. Hale, May 12, 1847, in Warden, *Chase*, 312–315.

[3] *Cong. Globe*, 29 Cong., 2 Sess., App., 360–363.

New Mexico by a boundary readjustment which was to be a condition of peace. Slidell's letters to Buchanan of January 14 and February 6, 1846, dwelt upon the financial straits of the Paredes government;[1] and in the latter Slidell announced that he had contrived to convey the hint that relief might be had if Paredes would make the proper concession as to boundaries.[2] When these letters were received at Washington, President Polk brought before his cabinet the question as to how to obtain the money required as a first payment to relieve the immediate necessities of the Mexican government, in case it should agree to the desired boundary. The cabinet seemed to concur in the view that a considerable amount in cash might induce Paredes to conclude a treaty to which he would not otherwise agree; but Buchanan did not think Congress would make the appropriation.[3]

Polk then called attention to a similar appropriation made in 1806 for the purchase of the Floridas, and it was finally agreed that he should seek the advice of some of the senators. He had interviews with Allen, chairman of the Senate committee on foreign relations, Benton, and Cass; and they concurred as to the desirability of speedy action by Congress.[4] The procedure regarded as wisest was

[1] *House Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 60, pp. 51, 57.
[2] See p. 223, above.
[3] Polk, *MS. Diary*, March 25, 28, 1846.
[4] *Ibid.*, March 28, 29, 30, 1846.

to have the matter discussed by the Senate in executive session and acted on in open session without further debate. Allen and Benton advised that, in order to secure unanimity of action, Calhoun be taken into their confidence. On being consulted by Polk, about April 1, 1846, Calhoun agreed as to the object, but feared that it would become public and embarrass the settlement of the Oregon question,[1] and this attitude caused Allen to advise the postponement of the matter for a few days. The amount to be asked was placed at one million dollars. Thus it appears that the president wished quietly to obtain the money for the cash payment required to secure the cession of territory at which he was aiming; the details just stated explain the origin of the plan.

Dropped for the time on the advice of Allen, the project lay for several months in abeyance. Meanwhile war was declared, and the victories of Palo Alto and Resaca de la Palma were won. The offer to negotiate made at the time of Santa Anna's return to Mexico[2] caused the project of the appropriation for boundary readjustment to be revived. Polk consulted Benton, McDuffie, who had become chairman of the Senate committee on foreign relations, Cass, and Archer, a prominent Whig senator from Virginia and a member of the committee on foreign relations.[3] The first three concurred in the

[1] Polk, *MS. Diary*, March 30 and April 3, 1846.
[2] See p. 243, above. [3] Polk, *MS. Diary*, July 26, 30, 31, 1846.

plan, and Archer spoke favorably of it; and on August 1 it was unanimously agreed in a cabinet meeting that the advice of the Senate in executive session be asked. The Senate indorsed the plan by a vote of 33 to 19.[1] Among those in favor of it were several Whigs, including Corwin and Webster. Polk then had Buchanan address letters to the chairmen of the finance committee of the Senate and the ways and means committee of the House, asking the appropriation; but on learning that the Whig senators who had given their votes in favor of the project threatened to oppose the measure enacting it unless he would openly take responsibility, he sent a message to both houses recommending that they appropriate the amount considered necessary, which had now grown to two millions.

The president's message went to Congress August 8, 1846, and the same day a bill was introduced in the House by McKay, chairman of the committee on ways and means, making the appropriation. To this bill was offered the amendment known as the Wilmot Proviso, the language of which was as follows: "Provided, That, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of

[1] *Senate Exec. Journal*, VII., 139.

said territory, except for crime, whereof the party shall first be duly convicted."[1] An amendment limiting the operation of the proviso to territory north of the Missouri Compromise line was defeated by a vote of 54 to 89; and the proviso was then adopted by a vote of 83 to 64. The original friends of the bill now sought to lay it on the table, but the motion was defeated by 78 yeas to 94 nays. It was then finally passed by a vote of 87 to 64. On August 10, 1846 (Monday), it was taken up in the Senate, and a motion was made to strike out the proviso. Davis of Massachusetts took the floor against the motion, and was speaking when the hour came which had been fixed for the end of the session, so that the bill failed, proviso and all.

Davis was sharply attacked for his conduct, both by the expansionists and the abolitionists, and Polk characterized it as a "disreputable expedient."[2] In defending himself afterwards Davis said that he was unwilling to see the proviso stricken out—as he thought it would have been—without discussion. He claimed to have spoken not more than twenty minutes, and to have been interrupted nine times by business from the House. He said it was his intention, in fact, to conclude his remarks in time for a vote, and he had so promised the chairman of the committee on foreign relations; but the clock in the House was eight minutes ahead of

[1] *Cong. Globe*, 29 Cong., 1 Sess., 1217.
[2] Polk, *MS. Diary*, August 10, 1846.

that in the Senate, and he was cut off unexpectedly by the announcement that the House had adjourned.[1] The attack upon him seems to have been without substantial foundation, and to have been due simply to one of the overwrought impulses of the time.

In his annual message at the opening of the next Congress in December, 1846, the president again recommended the appropriation. January 3, 1847, Preston King, a Democrat from New York, sought to introduce in the House a bill for the purpose, which fixed the amount at two million dollars, but contained a section excluding slavery from all subsequent territorial acquisitions by the United States.[2] The House refused, by a majority of one, to suspend the rules for the introduction of the bill; but another bill to make the appropriation was taken up by the House on February 8. After a week's discussion it was amended by adding the exclusion clause of the King bill,[3] which had been adopted by Wilmot himself instead of his original proposition, and to which also had been extended the designation "the Wilmot Proviso." In its new form the proviso embodied the same principle, and was only a somewhat more definite announcement of the anti-slavery programme. The vote for the proviso was 115 to 106; the bill thus amended now passed the House by a vote of 115 to 105.[4]

[1] *Cong. Globe*, 29 Cong., 2 Sess., 509.
[2] *Ibid.*, 105. [3] *Ibid.*, 424. [4] *Ibid.*, 425.

The Senate had under consideration in the mean time a "three million" bill of its own. The discussion began on February 5, 1847, and lasted until March 1. Berrien of Georgia, a Whig, offered an amendment declaring the intention of Congress in making the appropriation to be, not the dismemberment of Mexico nor the acquisition of any part of her territory by conquest, but only definite boundary adjustment and the settlement of claims. For this amendment Cass offered a substitute, declaring it to be the sense of Congress in making the appropriation that the war should be vigorously prosecuted to a successful issue, and that there should be obtained from Mexico a "reasonable indemnity" to be determined by negotiation. The Cass substitute was finally withdrawn, and the Berrien amendment rejected, there being 24 votes for it and 29 against it. At the last moment an effort was made to amend the bill by adding the Wilmot Proviso, but it failed by a vote of 21 to 31. Among those who were recorded in the negative were six senators from free states. The bill was then passed by 29 yeas to 24 nays.[1]

The Senate bill went to the House, and on March 3, 1847, was taken up in committee of the whole. Wilmot moved to amend by adding the proviso, and the motion prevailed by a majority of ten; but when the vote was taken by yeas and nays, he found that his majority had slipped away, and there

[1] *Cong. Globe*, 29 Cong., 2 Sess., 325–556, passim, and p 334.

were only 97 yeas to 107 nays. The members from the slave states, with the exception of J. W. Houston, a Whig from Delaware, voted solidly in the negative, and the remainder of the nays were cast by twenty-three Democrats from free states. The bill finally passed the House, without the proviso, by 115 to 81.[1]

The debate in the two houses was able but ominous. It showed clearly in all their mischievous effectiveness the influences that were making for sectionalization and threatening to dissolve the Union. The subterranean currents of political activity became manifest, and gave evidence of the intense factional and sectional animosity engendered by the shelving of Van Buren, the annexation of Texas, the Oregon compromise, the Walker tariff, and the re-establishment of the independent treasury—to which was now added the fierce hostility between North and South aroused by the agitation of the slavery question.

One feature of the discussion was a searching review of the causes of the war. Niles of Connecticut, a Democrat, agreed with the president's assertion that it was begun by Mexico, and declared that "the removal of our troops to the Rio Grande was no more an act of war than the removal to Corpus Christi." Stephens of Georgia, a Whig, claimed

[1] *Cong. Globe*, 29 Cong., 2 Sess., 573; see analysis of the vote in *Niles' Register*, LXXII., 18 (Niles' summary, however, needs some correction).

that Polk himself was responsible for its initiation, and that it was "a war of his own making and in violation of the Constitution of the country." Harmanson of Louisiana, a Democrat, called attention to the obvious fact that, if congressmen were right in the charge that it was "a President's War," Congress could not escape its own share in the responsibility; and he asserted that, if "the marching to the Rio Grande provoked the war," then that body was "accessory to the act." [1]

The most important question raised was that of the proviso itself. Northern men frankly avowed that they would not allow more slave states to enter the Union; and their refusal to apply to any future acquisitions the line of the Missouri Compromise foreshadowed the refusal in 1861 to allow the dissolution of the bond which held the already sectionalized parts of the country together. Speaking in support of his amendment, Berrien condemned the project of acquiring New Mexico and California; and he appealed first to senators from the South to oppose any accession of territory, because it was certain that in none could their domestic institutions be secured, and then to all the senators to do the same in order to "exclude from the national councils this direful question." [2] The warning to the South was emphasized by Calhoun, who said that if that section were assured of the exclusion of

[1] *Cong. Globe*, 29 Cong., 2 Sess., 530, App., 352, 358.
[2] *Ibid.*, 330.

slavery from the territory to be acquired it might be expected to oppose the prosecution of the war.[1] Corwin denounced, in words that have become familiar to almost every American school-boy, the cry of the expansionists for "room," and repeated from the anti-slavery stand-point the warning to the South of Berrien and Calhoun. "If I were a Mexican," said he, "I would tell you, 'Have you not room in your own country to bury your dead men? If you come into mine we will greet you with bloody hands and welcome you to hospitable graves.'" [2] The Democrat Rathbun of New York, the Whig Upham of Vermont, and others protested against any territorial extension because of the political advantage which the Federal ratio in the House gave the South. Niles of Connecticut regretted to see leading senators exerting their eloquence and ability to put their country in the wrong concerning a war which he believed to be justified; but as to slavery he would make no compromise further than to bear with it where it was already established. The Democrat Wood of New York, along with other supporters of the proviso, repudiated the charge of abolitionism, but asserted that the anti-slavery agitation was of the people and not merely of the politicians. Giddings of Ohio favored the proviso primarily because of his objection to slavery itself.[3]

[1] *Cong. Globe*, 29 Cong., 2 Sess., App., 326.
[2] *Ibid.*, App., 227 (February 11, 1847.)
[3] *Ibid.*, 529–533, 546–548, App., 177–180, 342–345, 403–406.

To all this it was replied that slavery was recognized and sanctioned both by the Constitution and by the Bible, and the right of the South to an equitable share in whatever the expenditure of its own blood and treasure had helped to win was strenuously upheld.[1]

However it originated, the Wilmot Proviso appealed to deep-seated convictions and proved a great stumbling-block to both the existing national parties. In the conventions of 1848 the Democrats refused to condemn and the Whigs to approve it. Nevertheless, it was a formulation—though not a complete one—of the essential issue over which was to take place the great struggle of American history. Out of the effort of Democrats and Whigs to subordinate this issue grew at length the Republican party, which definitely accepted the principle of the proviso, but which by so doing deliberately made itself the party of the free states alone.[2] It might, however, well be questioned whether the hesitation of the two national parties did not ultimately save the Union. Before 1850 the mutual anger and disgust of the North and South had only reached the point where both were possibly willing to separate in peace; but from that time forward the exasperation grew till there was little chance of separation without a fight.

[1] *Cong. Globe*, 29 Cong., 2 Sess., 360–363, 383–386, App., 406–409.

[2] Cf. Smith, *Parties and Slavery* (*Am. Nation*, XVIII.), chaps. iii., xii.

The proviso served to make plain the irreconcilable difference between the ideals and interests of the North and those of the South. It solidified the South in defence of its own, and almost solidified the North in opposition. The sectionalizing process now passed into its final stage, and in the public and private utterances of thoughtful men began to recur, with ever-increasing frequency, the forecast of disunion. The expansionist proclivities of the American people were by no means overcome—indeed, it is doubtful if they were seriously checked—by the fiery denunciation of the war. This was more a matter of political tactics than of obedience to the popular will — the natural criticism for which the policy of the administration furnished occasion to its enemies;[1] but the question as to whether the northern industrial and social system or the southern should prevail in the acquired territory went more directly home to all. As soon as the issue raised by the Wilmot Proviso was fairly before the people, the legislatures of the free states, and even of Delaware, began to pass resolutions in favor of the measure, and before the wave had passed ten of them had so expressed themselves.[2] It was evidently a popular movement, which the leaders would not long be able to resist. Polk's private jeremiads over the disorganization of the Democracy, the treachery of those who claimed to be supporters of his administration, and the wickedness of injecting

[1] Cf. Von Holst, *United States*, III., 304. [2] *Ibid.*, 307.

the slavery question into governmental politics were vain.[1] Old issues were rapidly losing effectiveness as the basis of party division and were becoming absorbed in the new; and of these, in turn, slavery soon overshadowed all the rest. The progress of sectionalization was seriously threatening the bonds of the Union.

[1] See his *MS. Diary*, e.g., January 14, 19, 1847.

CHAPTER XVII

THE ELECTION OF 1848
(1847–1848)

IN the midst of the general enthusiasm aroused by the military successes of 1847, and the excitement resulting from the precipitation of the slavery issue, the alignment of parties was begun for the next presidential campaign. To this test the party leaders had been anxiously looking forward, some of them for years. How far their conduct may have been determined by their interpretation of the Delphic hum of the presidential bee it would be hard to say. Polk often complained to the pages of his diary that Buchanan's ambition to be president diminished his usefulness in the cabinet.[1] The president thought also that dissatisfaction with his appointments and premature contests to decide who should be his successor had changed the nominal Democratic majority in Congress to a practical Whig majority.[2] It was, indeed, the irony of fate

[1] See the entries for December 23, 1847, and February 25, 1848.

[2] Polk, *MS. Diary*, January 22, 1847; cf. Fish, *Civil Service and Patronage*, 158–161.

that the particular president who has perhaps come nearer than any other to the accomplishment of the entire programme with which he entered office should have felt himself so sad a victim of party defection. His very successes had roused strong and relentless opposition, had divided his party into factions, and was finally threatening it with complete disruption. Buchanan believed, with reason, that the Democratic reverses in Pennsylvania in the fall of 1846 were due to the hard-won victory in the passage of the Walker tariff.[1] That it had been a dearer triumph still by which Polk snatched the nomination from Van Buren in 1844 was to be made evident in the political outcome of 1848.

The first party to hold its national convention preparatory to the campaign for a successor to Polk was that of the Native Americans, then of small importance, and its nomination counted for but little. The convention met at Philadelphia in September, 1847. It declined to put forward a candidate for the presidency, but recommended General Taylor. For vice-president it nominated General A. S. Dearborn of Massachusetts.[2]

The next nomination was made by the Liberty, or Abolition, party, whose convention met in New York City in November, 1847. The men selected as its candidates were John P. Hale of New Hampshire for president, and Leicester King of Ohio for

[1] Polk, *MS. Diary*, November 5, 1846.
[2] *Niles' Register*, LXXIII., 79.

vice-president.[1] Hale had a record which made him the logical nominee of the abolitionists; but the anti-slavery men of the free states repudiated the extreme of Garrisonian abolition, and the votes of the political abolitionists were too few to do more than decide between the candidates of the stronger organizations. Therefore, when the nomination of Van Buren divided the Democrats, Hale withdrew in his favor. In June, 1848, a radical section of the abolitionists known as the Liberty League nominated Gerrit Smith of New York for president, and Charles E. Foote of Ohio for vice-president; but those nominations seem to have attracted no votes. An "industrial congress," composed of representatives of labor organizations, which met at Philadelphia June 13, 1848, and nominated Gerrit Smith and William S. Waitt of Illinois was equally ineffective.[2]

The national convention of the Democratic party met at Baltimore May 22, 1848.[3] Before it could proceed to the business of nomination or of platform-making it had to settle a contest over the representation of New York, which was so important as to require consideration in detail. This contest was really the aftermath of the struggle of 1844. The New York Democracy was now divided into the two opposing factions of "Hunkers" and "Barnburners," each named by the other; the Barnburners

[1] *Niles' Register*, LXXIII., 172. [2] *Ibid*,, LXXIV., 8.
[3] For the proceedings, see *ibid.*, 69–77, 324–329, 348.

being radical reformers, who were humorously characterized as willing to burn down the political barn in order to get rid of the rats. "Hunkers" has been explained as meaning those who "hunkered" for office,[1] but this appears uncertain. With the former were identified Van Buren and Silas Wright. Though the nomination for the vice-presidency was offered to Wright in 1844 and was declined,[2] he made the race for governor of New York that fall, and won by a majority about five thousand greater than Polk's; and his friends claimed for him the credit for the national victory of the Democrats. On the other hand, it was charged that the smaller majority for Polk was due to the neglect of the presidential canvass by Wright and Van Buren.[3]

There is no reason to believe that Polk thought so. On the contrary, he offered the secretaryship of the treasury first to Wright, and, when he declined it, to B. F. Butler, another Barnburner, whose appointment would have been satisfactory to that element; but Butler also declined, because he could not be secretary of state.[4] The place was then offered to the Hunker William L. Marcy, and was accepted. Polk refused to align himself positively with either faction; but in 1846, when Wright

[1] *Niles' Register*, LXXIV., 325; Von Holst, *United States*, III., 359 *n.*; McLaughlin, *Cass*, 237.

[2] See p. 130, above.

[3] Benton, *Thirty Years' View*, II., 626; cf. *Cong. Globe*, 29 Cong., 2 Sess., 361.

[4] Hammond, *Silas Wright*, 532; cf., however, Benton, *Thirty Years' View*, II., 650.

was again a candidate for governor and was beaten, the president ascribed his defeat to the Hunkers, and recorded his intention to extend them no more favors. The next year, however, his condemnation fell on the Barnburners, whom he charged with the defeat of the New York Democracy in the November election; and from that time on his tolerance for them grew steadily less.[1] In May, 1848, he complained that neither faction was concerned about anything except the offices. As the time appointed for the Free Soil convention at Buffalo drew near, his cabinet was unanimously of the opinion that the Barnburner Federal officials who were taking part in the movement should be dismissed; and after the convention he removed B. F. Butler from his office of Federal district-attorney.[2] After the fall elections, when Buchanan gave a share of government printing to a Barnburner paper — the Rochester *Daily Advertiser*—Polk interfered, and directed that the arrangement be cancelled.[3]

It was, however, from the first impossible to keep up neutrality towards the New York factions. The loss of the nomination by Van Buren in 1844, after he had obtained, through personal leaning or instructions, a clear majority of delegates, could not easily be forgiven. If the larger vote for Wright than for Polk in the New York election was not the

[1] Polk, *MS. Diary*, November 5, 1846, November 8, 1847.
[2] *Ibid.*, August 5, September 1, 1848.
[3] *Ibid.*, December 16, 1848.

effect of a blow in return, then it meant that the president was under obligations to the followers of Van Buren that could not easily be discharged. No doubt he honestly tried to square the account; but the fact that Wright and Butler were successively offered a place in the cabinet, before Polk turned to the Hunkers, did not make Marcy less objectionable to the Barnburners. With each succeeding year the relations of the president with this faction grew less cordial, and at length the Barnburners seized upon the Wilmot Proviso as a weapon which might be used effectively both against the administration and against the Hunkers.

To the national Democratic convention of 1848 came two sets of delegates, one from each faction. The Hunkers obtained control of the regular state convention of the party, tabled a resolution containing the substance of the Wilmot Proviso, and issued an address in the name of the New York Democracy. Then the factions held separate conventions, that of the Barnburners declaring in favor of the proviso; and the result was that both sent delegates to the national convention. That body tried to compromise the matter by admitting both delegations and giving them each one-half of the vote of the state, but both then refused to take part. The Hunkers promised to support the nominee of the convention, but the Barnburners would not.[1]

[1] *Niles' Register*, LXXIV., 325; Von Holst, *United States*, III., 361.

In the balloting for the nomination of candidates by the national convention, Cass was far in the lead from the beginning, and on the fourth ballot he obtained the requisite majority, which, by the rule adopted by the convention, was two-thirds. The only other candidates that had any following worth mention were Buchanan and Woodbury. Wright would doubtless have played an important part in the campaign, and possibly in the convention, had he been still alive, but he died in August, 1847. For vice-president was nominated, on the second ballot, General W. O. Butler of Kentucky.[1]

It would have been difficult for the Democrats to find a stronger man for the first place on their ticket than Cass; he was an intelligent and conservative leader, unrivalled in his party for prestige and popularity. In his support of the doctrine of squatter sovereignty he was only working out the crude political philosophy of the West, and following what seemed to be the line of least resistance in his efforts to harmonize sectional differences and promote healthy national growth. An interesting specimen of the genuine American type, a product of the old Northwest, he has, through lack of insight on the part of his critics, been greatly misunderstood and misinterpreted. This unfair judgment has been due to the fact that a great political and social revolution has made it difficult for a younger generation to see his problems from his own point

[1] Stanwood, *Hist. of the Presidency*, 234.

of view. The abolitionists regarded him as a truckler to the interests of slavery,[1] while to the more partisan defenders of the institution he was only an unprincipled seeker after the presidency.[2] Neither the northern nor the southern radicals could see him as he really was. Like the great majority of westerners, he was a thorough-going expansionist, and in common with Webster, Clay, and Lincoln he regarded the preservation of the Union as a more important object than the extinction or even the repression of slavery.[3] These facts constitute the fundamental explanation of his policy and his career.

Finally came the shaping of the platform. The draught adopted by the majority of the committee on resolutions began with a substantial repetition of the platform of 1844—there being one or two slight variations—down to the resolution in favor of the "re-occupation of Oregon and the re-annexation of Texas." The seventh resolution of the report denied the power of Congress to interfere with the domestic institutions of the states, and condemned all efforts to induce that body to deal with the question of slavery at all. In the place of the resolution concerning Oregon and Texas and the four that followed it in the platform of 1844, now ap-

[1] Cf. McLaughlin, *Cass*, 233.

[2] See Crallé's expression to Calhoun, in Am. Hist. Assoc., *Report*, 1899, II., 1201.

[3] Cf. McLaughlin, *Cass*, 210, 271–273.

peared a series of eight. The first three of these referred to the Mexican War, asserting that it was begun by Mexico and that it was, on the part of the United States, "a just and necessary war"; condemning the opposition to it, declaring it to be a duty to sustain the administration in the measures necessary to carry on the conflict if Mexico rejected the treaty; and extolling the virtues of those who had belonged to the army of invasion. The next three referred to the contemporaneous revolution in Paris. Fraternal congratulations were tendered to the national convention of France, and the duty of resisting "all monopolies and exclusive legislation" in America was acknowledged. Then followed a strong general indorsement of the administration and congratulations to the president on its "brilliant success."[1] A minority of the platform committee, led by William L. Yancey, offered a resolution favoring "non-interference with the rights of property of any portion of the people of this confederation, be it in the States or in the Territories, by any other than the parties interested in them," but the motion was lost by a vote of 36 to 216.[2] If the party was to adopt the principle of squatter sovereignty, it must be in some other formula or at some other time.

The progress of sectionalization is illustrated by

[1] Text in *Niles' Register*, LXXIV., 328; Stanwood, *Hist. of the Presidency*, 234–236.

[2] *Niles' Register*, LXXIV., 348.

the fact that the vote in favor of the minority resolution was all from the South. The report with which it was presented argued that the nominee of the convention was understood to be of the opinion that Congress had no right to interfere with the question of slavery either in the states or in the territories; that the majority report adopted the principle only so far as it applied to the states; and that the minority, in order to meet the issue frankly, wished to adopt it with reference to the territories also. A number of the southern delegates who voted against the resolution explained that they thought the subject was sufficiently covered by the report of the majority. Clearly, however, the vote was significant of the general desire to suppress the agitation concerning slavery. A further proof of the same feeling appeared in the evident indisposition of the convention to discuss the Wilmot Proviso, and the prompt calls to order whenever the question was approached.[1]

The Whig national convention met at Philadelphia, June 7, 1848. It had to choose from three possible nominees for the presidency—Clay, Scott, and Taylor. The masses of the party had by no means lost their enthusiasm for Clay, but he had been three times defeated. Scott had been a presidential possibility for many years, partly from the military reputation gained in the War of 1812; and he had received some votes for the Whig nomination

[1] *Niles' Register*, LXXIV., 328, 349.

at the Harrisburg convention in December, 1839.[1] On the eve of the Mexican War the Whigs turned to him again for a moment;[2] but his indiscretion prevented him from taking the tide in his affairs at the flood. While he remained perforce in Washington, Taylor was making himself the hero of the war and rapidly forestalling Scott in the popular estimation. At the outbreak of the war, public meetings in Trenton and New York put forward Taylor for the presidency, and after the battle of Buena Vista a movement in his favor swept over almost the entire Union.[3]

Taylor's strength in the convention was evident from the outset; but he was a slave-holder from the lower South and was much distrusted by some of the northern Whigs. An effort was made to defeat him by some of his own utterances; while acknowledging himself a Whig, he had expressly denied that he was a party candidate.[4] An Ohio delegate introduced a resolution pledging the convention to nominate no candidate who was not committed to the Whig policy, but it was generally disapproved and was ruled out of order. Most of the New York and Ohio delegates withheld their votes from him to the last, but on the fourth ballot he was nominated by a decisive majority. For vice-

[1] *Niles' Register*, LVII., 250; Scott, *Autobiography*, 355–359.
[2] F. W. Seward, *Autobiography of W. H. Seward*, 772.
[3] *Niles' Register*, LXXII., 97, 112, 128, 294, 334, etc.
[4] See his letter to Allison, April 22, 1848, in *Ibid.*, LXXIV., 8.

president, Millard Fillmore of New York was nominated on the second ballot. The Ohio delegation then made an effort to obtain a vote in favor of the Wilmot Proviso; but a resolution to that effect was tabled on motion of a Pennsylvania delegate, by a large majority, and the convention adjourned without making any declaration of principles whatsoever.[1]

Taylor was a man of high character and strong personality, with extensive experience in war, but practically none in politics. He was probably the strongest candidate that the Whigs could have put forward, but scarcely the fittest. To have nominated a man with a consistent Whig record, and especially a strenuous opposer of the war, would have been to court defeat. Taylor's reputation as the real hero of the struggle was the decisive influence in the convention and at the polls. His slave-holding antecedents, while they had no serious effect in alienating the voters of the North, strengthened him greatly in the South. The saving elements in his personality were his courage, his conscientiousness, and his common-sense. These helped him through difficulties where the training and the instincts of the mere politician were of small avail. Though his inexperience threw him on the advice of others, his good judgment and unbending resolution kept him steady amid the confusion of opposing counsels, and pointed out the best and wisest course.

[1] Wilson, *Slave Power*, II., 135.

The convention was followed by a movement to consolidate the different elements of opposition to both Cass and Taylor. Most important of these was the New York Barnburners, who had various scores, both old and new, to settle with Cass and his friends; they held a convention at Utica on June 22, and nominated Van Buren for president, and Henry Dodge of Wisconsin for vice-president. Then there were the supporters of the Wilmot Proviso, both Whigs and Democrats, who were displeased by what they regarded as the evasive policy of their own parties, and were ready to assist in forming another. Of these the Democrats objected to Cass because he opposed the proviso, and the Whigs opposed Taylor for reasons already stated. Henry Wilson says that after the nomination of Taylor at Philadelphia a meeting of fifteen of the more irreconcilable Whig delegates was held in the building in which the convention had met,[1] six of them from Ohio, and steps were taken towards calling a national convention of those opposed to the extension of slavery. It was agreed that the call should come, if it could be so arranged, from a convention already appointed to meet at Columbus, Ohio, June 22. The arrangement was made, and a national Free Soil convention was called to meet at Buffalo on August 9.

It was not difficult for those two elements, though varying widely in their motives, to unite with each

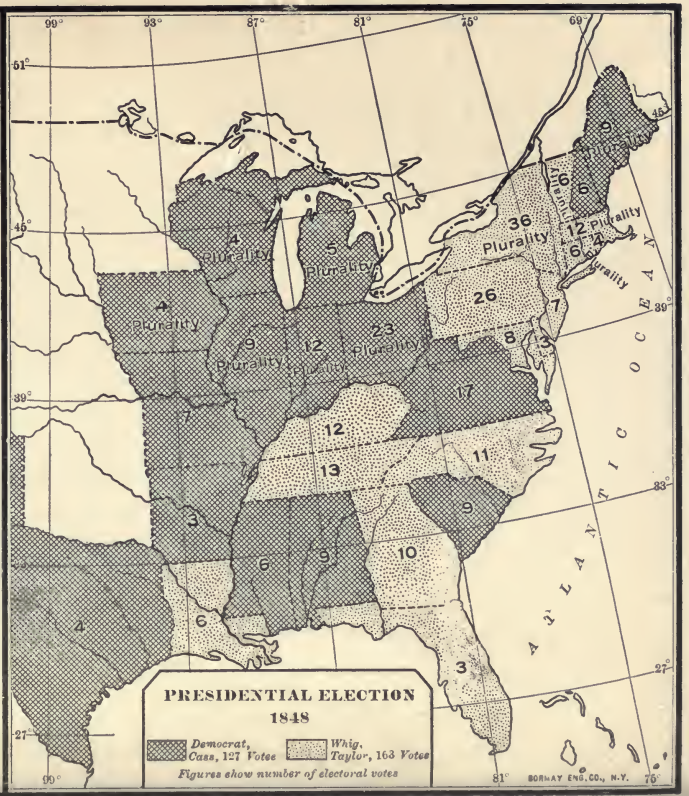
[1] Wilson, *Slave Power*, II., 142–144.

other, and with the already politically separate Liberty men, or abolitionists, on the common ground of the Wilmot Proviso. The convention met at the appointed time, with four hundred and sixty-five delegates from eighteen states, including the three slave states Delaware, Maryland, and Virginia. The first ballot to nominate a candidate for the presidency stood 244 for Van Buren to 181 for John P. Hale of New Hampshire.[1] These candidates represented fitly the two elements participating in the convention: Hale had abandoned the Democratic party for conscience' sake, staking his political prospects on the issue; Van Buren was wrecking the party for the sake of revenge on Cass. The vote, however, cannot be taken as a test of strength; for there were many supporters of the Wilmot Proviso who still repelled the charge of abolitionism.[2]

The original nominee of the Barnburners for vice-president, Dodge, had declined, and it now became necessary to put another in his place; the right man was found in Charles Francis Adams of Massachusetts, son of John Quincy Adams, who was nominated by acclamation. The convention then adopted a platform[3] of resolutions in favor of cheap postage, retrenchment, election by the people of all

[1] Lalor, *Cyclopædia*, II., 288; Wilson, *Slave Power*, II., 156.
[2] Schouler, *United States*, V., 104; cf. McLaughlin, *Cass*, 257.
[3] Text in *Niles' Register*, LXXIV., 110; Stanwood, *Hist. of the Presidency*, 239–241.

WISCONSIN TERRITORY
FLORIDA TERRITORY
ATLANTIC OCEAN
Plurality
PRESIDENTIAL ELECTION
1844
Democrat, Polk, 170 Votes
Whig, Clay, 105 Votes
Figures show number of electoral votes


ATLANTIC OCEAN
Plurality
PRESIDENTIAL ELECTION
1848
Democrat, Cass, 127 Votes
Whig, Taylor, 163 Votes
Figures show number of electoral votes
BORMAY ENG. CO., N.Y.

civil officers so far as practicable, internal improvements, free grants of public land to actual settlers, and a tariff sufficient to provide revenue adequate for the government; but it enlarged on the slavery issue, disclaiming any intention to interfere with that institution in the slave states, but declaring that the proper policy was to "limit, localize, and discourage" it. It concluded by proclaiming as the motto of the party, "Free soil, free speech, free labor, and free men." The organization thus formed, known as the Free Soil party, lasted under various names nearly eight years, but was never able to get more than a handful of members into Congress, and it was finally swallowed up by the Republican party.[1]

The campaign of 1848 was marked by no such enthusiasm as those of 1840 and 1844. The popular vote, exclusive of the four new states, showed a very slight increase over that of 1844. Taylor had a majority over Cass of nearly one hundred and fifty thousand at the polls and of thirty-six in the electoral college, so that if either New York or Pennsylvania had voted for Cass he would have won. In Pennsylvania the dominant influences were not yet reconciled to the Walker tariff; in New York the Hunkers and the national Democratic party were duly punished, for the vote of that state was, in round numbers, 218,000 for Taylor, 120,000 for Van Buren, and 114,000 for Cass—that is, Taylor took the electoral vote only by the division of the Demo-

[1] Smith, *Liberty and Free Soil Parties*, chap. xi.

crats. The result for the whole country was a serious illustration of the political inertia of the period, against which the tremendous economic and social forces working for sectionalization exerted themselves for the moment in vain. Eight free and seven slave states were for Cass, while for Taylor these figures were exactly reversed. Disunion was still a question for the future.

The result of the congressional elections was, on the whole, in favor of the Democrats, who elected 112 congressmen, against 105 Whigs.[1] The Free-Soilers held the balance of power with thirteen members. In the New York delegation the defection of the Barnburners was notably apparent; among its thirty-four members there were one Free-Soiler and one Democrat, and the rest were Whigs. The Federal Senate, however, remained Democratic by a majority of ten.

It would hardly be speaking too strongly to characterize the election of 1848 as a contest without an issue. Neither of the two great parties which alone might expect to win sought to rally the people to the defence of any important principle. Practically the only thing it decided was that a Whig general should be made president because he had done effective work in carrying on a Democratic war. It was only an eddy in the historical current in which force and direction seemed to have been lost.

[1] *Cong. Globe*, 31 Cong., 1 Sess., 1.

CHAPTER XVIII

ISTHMIAN DIPLOMACY

(1846–1850)

THE settlement of the Oregon question and the prospect of the acquisition of California naturally gave a new importance to the old plan of a route across the isthmus of Panama that would materially shorten the line of communication with the new possessions and make the bond which held them to the Union more intimate and vital.[1] It is the purpose of this chapter to explain the revival of interest in the project and to show how it worked itself out in the Clayton-Bulwer treaty of 1850.

As early as the reign of the Emperor Charles V. the desirability of better facilities for the carrying-trade between Spain and her colonies of Peru and the Philippines led to a scheme for a waterway across the isthmus;[2] but it was too large an undertaking for the free capital and energy of any European government at that time. By the end of the sixteenth century, when the Armada had been destroyed and the English sea-dogs had broken

[1] Schouler, *United States*, V., 260.
[2] Keasbey, *Nicaragua Canal and Monroe Doctrine*, 68.

through the Spanish monopoly in the American trade, the dream of such an enterprise for Spain vanished completely and forever.

For the English themselves, however, the achievement was still possible; and with the increasing influence of Great Britain in isthmian affairs it seemed to grow more likely. During the first half of the seventeenth century English settlers obtained lodgment in what became known as Belize, or British Honduras, and farther southward on the Mosquito Coast, in what is now Nicaragua. By the treaty of Versailles, in 1783, the English settlers in Belize were confirmed in the enjoyment of certain commercial privileges; but all other English settlers who might be dispersed throughout the "Spanish Continent" were to retire within that district within eighteen months, and the sovereignty of Spain over the isthmus was conceded.[1] The settlers, however, were never concentrated as required by the treaty.

In 1823 the Central American states formed a union and declared themselves independent of Spain. In 1835 the British settlers of Belize, which was within the territorial limits claimed by Guatemala, held a convention, changed the name of the district to British Honduras, and petitioned the government in London to recognize it and its dependencies, including the Mosquito Coast, as regular English colonies. Without acting on the petition for the time, the British government, claiming a

[1] *Senate Exec. Docs.*, 47 Cong., 1 Sess., VI., No. 194, p. 26.

protectorate over the Mosquito territory, or "Mosquitia," undertook to establish its independence of Nicaragua; but after a few years' delay British Honduras was formally recognized as a British colony. The Nicaraguans were then driven from Mosquitia, and in 1848 were forced to renounce by treaty the control they had claimed over the port at the mouth of the San Juan River, which the British had renamed Greytown.[1] These encroachments seemed to indicate that Great Britain would have to be reckoned with in any attempt to construct and control a transit-way across the isthmus.

By this time the United States, which had for many years been watching the course of affairs in Central America with a degree of interest, but apparently little disposition to interfere, had begun to take a share. The isthmian transit scheme had a logical place in the expansion policy of Polk; and in 1846 a treaty of amity and commerce with New Granada, afterwards known as the United States of Colombia, was signed, at the instance and urgency of the New Granada government, which secured, in the twenty-fifth article, a guarantee to the government and citizens of the United States of a right of way across the isthmus by any available method of transit on the same terms as those that might be fixed for the people of New Granada themselves. On the other side, the neutrality of the isthmus and the sovereignty of New Granada over it were to be

[1] Travis, *Clayton-Bulwer Treaty*, 45.

guaranteed by the United States,[1] and Polk was doubtful whether this was in accord with the settled policy to "cultivate friendly relation with all nations, entangling alliances with none";[2] but the treaty was finally ratified, July 12, 1848.

The Panama route was not the only one regarded as available for communication between the Atlantic and Pacific. Great Britain was most interested in the Nicaragua route; but there were many others, and the most northerly was across the isthmus of Tehuantepec, lying wholly within the republic of Mexico.[3] The first letter of instructions to Commissioner Trist in 1847 was accompanied by the *projet* of a treaty, of which the eighth article secured to the government of the United States the right of way across the isthmus of Tehuantepec.[4] For New Mexico and California, together with this concession, he was authorized to pay thirty million dollars; and for the same territory without the concession twenty-five million dollars. When the instructions were being considered in the cabinet, Walker expressed himself as valuing the right of way across the isthmus of Tehuantepec more highly than he did New Mexico and California, and as wishing to make it a *sine qua non* of peace; but he was overruled. Buchanan desired that the five

[1] *U. S. Treaties and Conventions*, 204.

[2] Polk, *MS. Diary*, January 30, 1847.

[3] Keasbey, *Nicaragua Canal and Monroe Doctrine*, map, frontispiece.

[4] *Senate Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 52, p. 87.

million dollars to be paid for the concession should be retained until Mexico had constructed a railway or canal across the isthmus; but the majority was against him also.[1]

When Trist met the Mexican commissioners and presented his terms they offered a counter *projet* which did not include the transit privilege. They explained that the Mexican government had made, several years before, a grant "with reference to this object" which had been transferred with the consent of the government to English subjects, of whose rights Mexico could not dispose.[2] Here the effort to deal with the subject appears to have dropped. Whether it played any part in the further negotiations, there is nothing to show; but in any case it did not enter into the treaty. On July 15, 1847, Anthony Butler, the former United States minister in Mexico, called on the president and apparently made an effort to sell him some information concerning the Tehuantepec route; but Polk took little interest in the matter, and seems to have been very glad to get rid of Butler.[3]

The failure of the Tehuantepec scheme centred attention on the more southerly routes. In order to utilize the concession obtained from New Granada in the treaty of 1848, a company of United States capitalists was organized to build a railway

[1] Polk, *MS. Diary*, April 13, 1847.
[2] *Senate Exec. Docs.*, 30 Cong., 1 Sess., VII., No. 52, p. 337.
[3] Polk, *MS. Diary*, July 15, 1847.

across the isthmus of Panama, and began operations at once.[1] Another company obtained a contract from the Nicaraguan government to open an interoceanic waterway through that state. President Polk sent a special envoy—Elijah Hise—to Nicaragua to inquire into British aggressions there; and Mr. Hise concluded an unauthorized treaty by which the United States government, or a company of its citizens, was given the exclusive right to construct and operate a transit-way across the state, on condition that the United States should guarantee the neutrality of the way and protect the sovereign rights of Nicaragua over territory which she justly claimed.[2] This treaty, however, was not submitted to the Senate.

The Whig administration which began in 1849 seemed to be more desirous of obtaining the facilities for isthmian transit than of the enforcement of the Monroe Doctrine. In that year Mr. E. G. Squier, who was sent out in place of Mr. Hise, obtained for a new company of United States capitalists a concession for an interoceanic canal,[3] and negotiated a treaty by which the company was given the right of way for the purpose, on condition that the United States should guarantee the neutrality of the canal and the sovereignty of Nica-

[1] *Niles' Register*, LXXIV., 385; cf. Smith, *Parties and Slavery* (*Am. Nation*, XVIII.), chap. vi.

[2] *Senate Exec. Docs.*, 47 Cong., 1 Sess., VI., No. 194, pp. 41–49, 55; Travis, *Clayton-Bulwer Treaty*, 59.

[3] *Ibid.*, 49–55.

ragua over the territory along the line of it. By this treaty like privileges on the same terms were offered to other nations that might care for them. Then, in order to facilitate the canal project and to neutralize the efforts of the British government, which already controlled the eastern terminus of the Nicaragua route, and was aiming to get control of the Pacific terminus also, Squier obtained from Honduras the cession to the United States of the island of Tigre, in the Gulf of Fonseca. The island was immediately seized by British troops to satisfy a debt of Honduras to British subjects. Squier gave notice that the island belonged to the United States, and ordered its evacuation, but was refused. The matter was now taken up by the two governments concerned, and their isthmian relations were readjusted on a new basis.[1]

The readjustment consisted in the Clayton-Bulwer treaty, which was signed April 19, 1850, and mutually ratified on July 5 of the same year. By this treaty Great Britain and the United States agreed to join in promoting the construction of a ship-canal across the isthmus by the Nicaragua route, promising that neither would "ever obtain or maintain for itself any exclusive control over the said ship-canal," or "assume or exercise any dominion . . . over any part of Central America," or use its connections with any state to acquire rights in relation to the canal not offered on the same terms

[1] Travis, *Clayton-Bulwer Treaty*, chap. vi.

to citizens or subjects of the other party to the convention. The two governments guaranteed the "neutrality and security" of the canal so long as there should be no "unfair discriminations" or "oppressive exactions" in its management, and engaged to invite every state with which either contracting party had friendly intercourse to join in the agreement and "share in the honor and advantage" of contributing to such an important work. Both pledged their "support and encouragement" to the first person or company beginning its construction under satisfactory conditions. In addition, article v. distinctly applied the principle of neutrality to any means of transit over the isthmus route.[1]

The significance of the treaty was somewhat confused by a correspondence between the negotiators that took place just previous to the exchange of ratifications. June 29, Sir Henry Bulwer, the British envoy, wrote Secretary of State Clayton that he did not understand the obligations of the treaty to apply to British Honduras or its dependencies—that is, in promising not to assume or exercise dominion over any part of Central America, the British government did not have British Honduras or its dependencies in mind. The "dependencies" must have been Mosquitia and one or two islands to which Great Britain had some claim in the Bay of Honduras. Clayton acknowledged in reply that

[1] *U. S. Treaties and Conventions*, 440–444.

Bulwer's reservation was correct. Thus was left open the troublesome and at times threatening question of the British protectorate over the Mosquito Coast, which long remained to vex American diplomacy.[1]

[1] *Senate Exec. Docs.*, 47 Cong., 1 Sess., VI., No. 194, pp. 14–16, 87; Travis, *Clayton-Bulwer Treaty*, chap. iv.; cf. Smith, *Parties and Slavery* (*Am. Nation*, XVIII.), chap. xviii.

CHAPTER XIX

THE COMPLEX SLAVERY ISSUE
(1847–1849)

TO the most pressing question of the time the election of 1848 gave no answer; that was, what should be done with the new territorial acquisitions? North and South now began to realize the hopeless incompatibility of their respective industrial and social systems, and any agreement between them became ever more difficult. Since slavery constituted the most essential difference, it was, of course, the point of greatest friction. As the national boundaries expanded westward, the North showed itself increasingly anxious to prevent slavery from extending also. Up to 1850 each addition of territory was made the occasion of an effort to limit the spread of that institution: the Northwest Ordinance excluded it from that part of the old West which lay north of the Ohio River; and that exclusion was repeated in several acts for the organization of territories within the area. After a severe clash between the opposing sections, the Missouri Compromise excluded it also from that part of the Louisiana purchase north of 36° 30′ except in the

state of Missouri; and it was excluded by the terms of annexation in 1845 from the territory claimed by Texas north of the same line. Now the question was whether it should be allowed to enter the vast area surrendered by Mexico at the end of the war; and, if so, to what extent.

In New Mexico and California, when the conquest took place, slavery was forbidden by law. Those provinces had not, like Texas, been exempted from the operation of Guerrero's decree of September 15, 1829, abolishing slavery throughout the republic of Mexico,[1] and in them, therefore, the institution had no legal existence. The promulgation of this decree was by no means in harmony with republican methods, and it seems to have received little attention;[2] but a decree of April 5, 1837, provided that slavery in Mexico should be abolished without exception and with compensation to the owners.[3] As a matter of fact, however, there were practically no negroes anywhere in Mexico, and chattel slavery had little chance in the economic contest with the Mexican system of peonage. So far, therefore, as negro slavery was concerned, New Mexico and California were, at the time when they were occupied by the United States troops, both legally and actually free soil.

The effect of the conquest on the status of the

[1] See p. 27, above. [2] Bancroft, *Mexico*, V., 80
[3] Dublán y Lozano, *Legislación Mexicana*, III., 352.

government, and especially of slavery, in the territory occupied was by no means clear. As soon as the occupation took place temporary governments were organized by direction of the president, who claimed to be acting under authority, not of the Constitution, but of the power conferred by the law of nations on a conqueror.[1] Nevertheless, in a message of December 22, 1846, in response to a resolution of inquiry from the House, he disavowed the acts of General Kearny in setting up a government for New Mexico, so far as they looked towards the establishment of a permanent territorial organization.[2] While, however, the executive could not establish permanent governments for the conquered territory, Congress could; and Polk vainly recommended in his message of December 6, 1847, that it should do so without waiting for the treaty. When the treaty was concluded, the effect of it, as the president interpreted it, was to extend the Constitution and laws of the United States over California and New Mexico, so that the local organization set up by executive authority became simply a *de facto* government, which was allowed to stand till Congress should provide otherwise, because there seemed to be no more reasonable or safer alternative.[3]

The question as to the status of slavery in the

[1] Richardson, *Messages and Papers*, IV., 494.
[2] *Ibid.*, 506; Polk, *MS. Diary*, December 19, 1846.
[3] Richardson, *Messages and Papers*, IV., 638.

territory acquired by the treaty was still more complicated. Calhoun claimed that Congress had no right nor constitutional power to discriminate between the states by passing a law which would "directly, or by its effects, deprive the citizens of any of the states of this Union from emigrating, with their property, into any of the territories of the United States." [1] On the other hand, it was contended that by Mexican law, valid so far as not in conflict with the Constitution and laws of the United States, slavery was already abolished in New Mexico and California.[2] Unless, therefore, the Constitution operated of itself to secure the right of property in slaves in the acquired territory, slavery could not exist there except by an act of Congress. The right to hold slaves had, however, been founded by judicial decisions primarily on state or local law and custom rather than the Constitution or federal statutes.[3]

As soon as the progress of the war brought in sight the possibility of new territorial acquisitions in the southwest, the question as to the legal status and prospective existence of slavery therein arose at once. Many political leaders in the free states desired first to make certain that slavery would be permanently excluded from the territory, if ac-

[1] *Cong. Globe*, 29 Cong., 2 Sess., 455.
[2] *Ibid.*, 31 Cong., 1 Sess., 342.
[3] Walker (Miss.), 85; Martin (La.), N. S., 402; 2 Marshall (Ky.), 470; 16 Peters, 611.

quired, and then leave the struggle over the acquisition to result as it might. Many in the slave states, on the other hand, while favoring the acquisition, contended that neither North nor South could rightly claim as an exclusive field for its industrial and social organization the ground that had been won by a common expenditure of money and of blood.[1]

Several different solutions were offered for the problem concerning the expansion of slavery that was thus taking shape. One consisted in the Wilmot Proviso, but its impracticability had been clearly demonstrated before New Mexico and California were acquired. Another proposed the old expedient of geographical division, employed in 1820, in the days before the abolition movement, when nationalization had not gone so far, and also applied in the annexation of Texas. If such a settlement could prevail at all, it would involve the extension to the Pacific of the line of 36° 30′, dividing free soil from that where slavery might exist; and the result would be to separate the new acquisitions into two unequal parts, from the larger of which slavery should be excluded. Since the South had obtained so small a share of the Louisiana purchase, it seemed to be extremely moderate for her to content herself with a like meagre allotment in the southwest; nevertheless, many southerners wished to extend the compromise line, and among them

[1] *Cong. Globe*, 29 Cong., 2 Sess., 453, App., 90, 160, 367.

was the president himself, who had the unanimous concurrence of his cabinet.[1]

Polk, however, favored such a compromise mainly in order to quiet the agitation of the subject. He told Senator Crittenden that "the question of slavery would probably never be a practical one if we acquired New Mexico and California, because there would be but a narrow ribbon of territory south of the Missouri Compromise line of 36° 30′, and in it slavery would probably never exist."[2] It should be remembered that in the successive compromises based on the principle of division of territory the slave-holding interests had agreed that slavery should be excluded from states formed north of the line of 36° 30′ — except Missouri — if only those formed below it should be given their option as to whether they would have slaves or not; it was therefore theoretically possible for free states to be formed below the compromise line.

Another suggestion was that Congress should provide for the organization of territorial governments for New Mexico and California, but should prohibit the legislatures of those territories from passing any law on the subject of slavery, and should leave the questions connected with it to be decided by the territorial judiciary. Calhoun would have preferred that the decision should be without appeal to the supreme court of the United States, but was

[1] Polk, *MS. Diary*, January 16, 1847.
[2] *Ibid.*, January 23, 1847.

willing, for the sake of a judicial settlement, to give up his preference.[1]

Finally came the most important of all the proposed solutions, that of leaving the question of slavery altogether to local determination. Inasmuch as this method involved settlement by local action before the territorial status had given way to statehood, it was derisively termed "squatter sovereignty." The principle appealed strongly to the political instincts of the West, and there were many throughout the Union who were tired of the agitation over slavery and were willing to try a plan which promised to localize it and to relieve the national government of all responsibility as to the expansion of the system. The earliest suggestions of this method came in 1847,[2] and it was doubtless born of the discussions of the Wilmot Proviso. December 14, 1847, Dickinson of New York introduced resolutions in the Senate affirming the doctrine; and on December 29 Cass approved it in a letter to A. O. P. Nicholson of Nashville.[3] Douglas afterwards became the great champion of the doctrine, and it has been associated especially with his name, but he was not its author.[4] Though the Democrats in 1848 refused it a place in their plat-

[1] Polk, *MS. Diary*, July 17 and 19, 1848.

[2] See remarks of Leake, February 15, 1847, in *Cong. Globe*, 29 Cong., 2 Sess., 444.

[3] *Niles' Register*, LXXIII., 293; *Cong. Globe*, 30 Cong., 1 Sess., 25.

[4] See Smith, *Parties and Slavery* (*Am. Nation*, XVIII.), chap. vii.

form, it nevertheless soon became the very core of Democratic policy. Calhoun, however, and his followers repudiated it, declaring that the power to legislate for the territories was vested in Congress, and that the people of a territory had no power to abolish slavery.[1]

After the defeat of the Wilmot Proviso as an amendment to the "Three Million" bill, February 7, 1847, the next important struggle relative to the westward extension of slavery took place over Oregon.[2] It was becoming gravely important that a territorial government be framed for the region to which the compromise with Great Britain in 1846 had given the United States undisputed possession. The president urged it, first in his special message of August 5, 1846, transmitting the convention agreed upon with Great Britain; then in his annual messages in 1846 and 1847; and finally in another special message of May 29, 1848, transmitting a petition from the authorities of the Oregon provisional government, asking the aid and protection of the United States.[3]

To the recommendations of the president the House responded with a bill for a territorial organization, passed January 16, 1847, which excluded slavery from Oregon, not directly by the use of a proviso similar to Wilmot's, but indirectly by repeating the restrictions of the Northwest Ordinance.

[1] Calhoun, *Works*, IV., 563–568.
[2] See p. 171, above.
[3] Gray, *Oregon*, 542–547.

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These restrictions were inherited by the territories and states formed out of the territory northwest of the Ohio, one of them being Michigan. An act of Congress of June 28, 1834, extended the boundary of Michigan territory westward so as to include nearly all the unorganized part of the Louisiana purchase lying east of the Missouri River, and the restrictions of the ordinance followed this expansion of Michigan and reappeared in the organization of the territories of Iowa and Minnesota without a protest; indeed, slavery was already excluded from the added district by the Missouri Compromise, if not by the laws of nature. One more westward step for the ordinance would include Oregon, and the framers of the Oregon bill now avoided the unpopular proviso which had been invented to check the expansion of slavery in the South, and fell back upon the older precedent of the measure which had stopped its progress in the North. The difference was largely in sentiment, but sentiment was highly important. Burt of South Carolina, who still clung to the principle of division, offered an amendment giving as a reason for the exclusion of slavery from Oregon the fact that all the territory lay north of the Missouri Compromise line;[1] but the House, by a vote of 82 to 113, refused to adopt this explanation.

In the Senate this bill was tabled, and a Senate bill for the organization of the territory was checked

[1] *Cong. Globe*, 29 Cong., 2 Sess., 178.

by a proposed amendment for the exclusion of slavery. After waiting nearly a month for action by Congress, President Polk undertook to remove the cause of delay by securing the extension of the Missouri Compromise line through all the new acquisitions to the Pacific. He prepared an amendment embodying this proposition, which was placed in charge of Senator Bright of Indiana, acting chairman of the committee on territories, and was immediately introduced, June, 27, 1848. He also held interviews with members of both houses, and obtained the concurrence of a number of them.[1] Meanwhile the Free Soil convention had been called, and the Barnburners had already nominated Van Buren at Utica. To the question concerning Oregon was now added that relative to California and New Mexico. July 6 the president transmitted to Congress the ratified treaty of Guadalupe-Hidalgo, and urged the formation of a territorial government for the new possessions.[2] The feeling aroused by the slavery agitation was becoming dangerous;[3] the necessity for prompt and decisive action by Congress was apparent.

Therefore, July 12, 1848, the Senate attacked the troublesome question from a new direction—that of compromise. A special committee of eight, two northern and two southern men from each of the

[1] Polk, *MS. Diary*, June 24, 27, July 10, 1848; *Cong. Globe*, 30 Cong., 1 Sess., 875.

[2] See pp. 239, 297, above.

[3] See speech of Johnson, in *Cong. Globe*, 30 Cong., 1 Sess., 917.

two great parties, with Clayton of Delaware as chairman, was selected to consider the questions relating to the extension of slavery then before Congress, and have them settled by a single measure, relieved as far as possible of partisan and sectional influences, that might commend itself to both North and South as a remedy to prevent threatened disunion.

The select committee reported a single bill for the organization of Oregon, New Mexico, and California, which passed the Senate, after an all-night session, on the morning of July 27, 1848.[1] The bill validated the provisional laws of Oregon—which excluded slavery—so far as not incompatible with the Constitution of the United States or with the bill itself, subject to the action of its territorial legislature; but prohibited the territorial legislature of New Mexico and Califorina from passing laws relative to slavery, and provided for appeals from the territorial courts to the supreme court of the United States that would finally decide the question as to the status of slavery in the territories. This measure was called the Clayton Compromise.

The Senate bill went to the House, and was tabled at once. The House then proceeded with a new bill of its own for the organization of the territory of Oregon, which it passed August 2, again excluding slavery by the application of the "conditions,

[1] For the bill as passed, see *Cong. Globe*, 30 Cong., 1 Sess. 1002–1005.

. . . restrictions, and prohibitions" of the Northwest Ordinance to the new territory. The Senate amended the bill by extending the Missouri Compromise line to the Pacific. The House refused to concur by a vote of 82 to 121; the Senate receded, after another all-night session, by 29 to 25; and the bill was finally passed on the morning of Sunday, August 13, with the prohibition of slavery by applying to the territory of Oregon the restrictions of the Northwest Ordinance.[1]

The question of a territorial government for Oregon was now with the president. He and his cabinet were unanimously of the opinion that a veto would array geographical sections of the country against one another and that he ought to sign the bill. Calhoun besought him earnestly to veto it on constitutional grounds, but he refused.[2] Polk insisted, however, against the advice of Buchanan, on sending a message to explain that he approved it only because Oregon lay wholly north of the proposed westward extension of the Missouri Compromise line.[3]

Meanwhile another serious question involving the extension of slavery had risen in relation to the limits of Texas. July 10, Stephens of Georgia offered a series of resolutions asking the president

[1] For the exact terms of the amendment, see *Cong. Globe*, 30 Cong., 1 Sess., 1062; the final bill is printed in *Ibid.*, 1078–1080.

[2] Polk, *MS. Diary*, August 12, 13, 1848.

[3] *Cong. Globe*, 30 Cong., 1 Sess., 1081.

for information as to the proper boundaries of New Mexico and California, and as to the civil governments said to be in existence in those districts. Stephens asserted that nine-tenths of the people of the country understood the president's annual message, of December, 1846, to claim for Texas the Rio Grande boundary from mouth to source; that General Kearny, alleging authority from the president, had set up a territorial government in New Mexico, with the capital at Santa Fé, though in the instructions to Slidell it was admitted that Texas had never established jurisdiction in New Mexico.[1] In pointing out these apparent inconsistencies, the southern Whig Stephens was bent mainly on scourging the southern Democrat Polk. The slavery issue was kept out of the discussion, yet it was evidently involved. If the country lying east of the Rio Grande above El Paso belonged to Texas, then slavery existed there potentially by the act of the state itself; otherwise it was part of New Mexico, from which slavery was excluded by Mexican law.

The president replied, on July 24, that the temporary governments both in New Mexico and California had been set up by the officers in command there, by the right of conquest, in pursuance of instructions from Washington which had been somewhat exceeded. The governments had been supported, not from the United States treasury, but by military exactions, and they had ceased to exist

[1] *Cong. Globe*, 30 Cong., 1 Sess., 910.

with the ratification of the treaty of peace. He thought the right of Texas to the country east of the upper Rio Grande well founded, but it had never been reduced to occupancy; and a temporary government for the district had been set up because the Mexicans had been found in actual possession.[1]

Whether or not the Texan claim was valid, New Mexico and California were yet to be organized. August 27, 1848, Benton wrote a letter to the people of California — intended for those of New Mexico also—advising them to meet in convention, form a "cheap and simple government," and take care of themselves till Congress could provide for them.[2] Polk thought the purpose of the letter was to make Frémont governor; and it was agreed in cabinet meeting to instruct the United States postal agent, who was about to start for California, to inform the people that they had no legal right to take such action, and to advise them rather to continue obedience to the *de facto* temporary government.[3]

In his annual message at the opening of the next session of Congress, in December, 1848, the president again urged the organization of territorial governments for California and New Mexico, and recommended the extension of the Missouri Compromise line to the Pacific; suggesting, however, as an alternative that the question relative to slavery

[1] *Cong. Globe*, 30 Cong., 1 Sess., 989.
[2] *Niles' Register*, LXXIV., 244.
[3] Polk, *MS. Diary*, September 30, October 3, 1848.

in the territories might be referred to the judiciary. But the agitation concerning slavery was renewed at once, becoming fiercer than ever, and it looked as if no measure involving the subject could command enough votes in both houses to pass it. December 11, 1848, a bill for the organization of the whole of the Mexican cession into a single state to be called California, with the right reserved to Congress to form new states out of any part of it east of the Sierra Nevada, was introduced in the Senate by Douglas.[1] Two days later a petition was received purporting to be from a convention of the people of New Mexico, asking for a territorial government, protesting against any "dismemberment" of the territory in favor of Texas, and requesting the protection of Congress against the introduction of slavery.

The president favored statehood for California and a territorial government for New Mexico;[2] and his views prevailed with Douglas to the extent that the latter at length offered an amendment to his own bill making states of both the territories,[3] but ignoring the subject of slavery. Meanwhile the majority of the committee of the judiciary had reported adversely on the bill, recommending that territorial governments be organized for California west of the Sierra Nevada and New Mexico west of Texas.[4] The Senate did not get to the point of ac-

[1] *Cong. Globe*, 30 Cong., 2 Sess., 21.
[2] Polk, *MS. Diary*, December 12, 23, and 26, 1848.
[3] *Cong. Globe*, 30 Cong., 2 Sess., 381. [4] *Ibid.*, 192.

cepting either proposition; the action of the House was rather slow, but positive enough when it came. Under a resolution offered by Root of Ohio, December 13, 1848, instructing the committee on territories to report promptly a bill or bills providing for territorial governments in California and New Mexico, and for the exclusion of slavery, bills were introduced; and on February 29, 1849, that which concerned California was passed, but the Senate refused to take it up.

During this period another question concerning slavery was forcing itself on the attention of the national authorities and of the American people, a question more fruitful of sectional discord and alienation than any which had previously arisen; it was the status of slavery and the slave-trade in the District of Columbia. As the sections drew apart in interest and feelings, the North grew steadily less tolerant of the peculiar views of the South, and less willing that the special demesne of the national government, though geographically southern and situated in the heart of a slave-holding preserve, should be like the country around it. If the protection which the South believed the Constitution gave to the right of property in slaves, but which the North was now denying, was to be withdrawn at any point, surely the District of Columbia, standing under the direct jurisdiction of Congress, was the place.[1]

[1] See earlier stages of the question in Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chaps. xi., xviii.

So it came to pass, December 13, 1848, John G. Palfrey of Massachusetts, the preacher and author, asked the House, according to previous notice, for leave to introduce a bill to repeal all legislation by Congress establishing or maintaining slavery or the slave-trade in the district.[1] Permission was refused by a vote of 69 to 82; but on December 18 Giddings of Ohio was allowed to introduce a bill authorizing the people of the district to vote on the question as to whether they desired the continuance of slavery.[2] On being questioned as to the purport of the bill, he explained it as providing that negroes, bond as well as free, should take part in the vote. The bill was laid on the table by 106 yeas to 79 nays. Three days later Gott of New York offered a resolution instructing the committee for the District of Columbia to bring in a bill prohibiting the slave-trade in the district, which was adopted by a vote of 98 to 88;[3] but on January 10, 1849, it was reconsidered, and disappeared in the list on the calendar. In the course of the struggle over its reconsideration, Abraham Lincoln of Illinois offered an amendment, which did not come to a vote, defining a plan for the suppression of the slave-trade and the gradual extinction of slavery in the district, if the majority of the white votes thereof should decide in favor of the plan at an election to be held for the purpose. Finally, on January 31, Edwards, of the

[1] *Cong. Globe*, 30 Cong., 2 Sess., 38.
[2] *Ibid.*, 55. [3] *Ibid.*, 83.

committee for the District of Columbia, reported a bill to prevent the importation of slaves into the district for sale or hire, which caused a sharp debate, but which also seems to have died on the calendar.

In the course of this movement the agitation concerning slavery revealed itself in still another issue, which was soon to become its most irritating and dangerous aspect. This was the fugitive-slave law. When Gott's resolution was reconsidered, January 10, and was again before the House, Meade of Virginia offered an amendment to instruct the committee for the district to report a bill "more effectually to enable owners to recover their slaves escaping from one state into another." [1] Though the amendment was promptly ruled out of order, the object of the introducer was accomplished in presenting an additional grievance of the South.

The sectionalizing effect of the agitation soon became apparent. On the evening of the day after the passage of Gott's resolution a meeting of about seventy southern members of Congress belonging to both political parties was held for the purpose of deciding on some common policy for the South.[2] Two subsequent meetings were held on January 15 and January 22, at which about eighty members were present. Calhoun was the dominant spirit,

[1] *Cong. Globe*, 30 Cong., 2 Sess., 216.

[2] Polk, *MS. Diary*, December 22, 23, 1848; *Niles' Register*, LXXIV., 401.

and the final result was the adoption of an address of the southern members of Congress to their constituents, reported from a committee of fifteen, of which Stephens was chairman, and prepared by a subcommittee of five, of which Calhoun was chairman. Stephens tried to prevent action by the caucus, and Polk also opposed the movement, but in vain.[1] The address dwelt upon the gradual alienation between the sections that had begun with the dispute over the admission of Missouri into the Union; charged the North with a breach of the Constitution in refusing to give up fugitive slaves, and with want of respect for the Missouri Compromise line; complained of the disposition to refuse the South its share of the Mexican cession, which it had done more than the North to win, and of the attacks on slavery by Congress, forecasting complete abolition if no remedy were found; and finally recommended unity of action on the part of the South.[2]

The resentful complaint of injustice made in the address soon rang through the entire South. It was repeated in resolutions by the legislatures of Virginia and Missouri and in various other forms; a mass-meeting in Trimble County, Kentucky, called on Clay to resign his senatorship because he had written a letter favoring gradual emancipation; and the toasts at a dinner to Senator Butler in South

[1] Polk, *MS. Diary*, January 17, 1849.
[2] *Niles' Register*, LXXV., 84–88.

Carolina boldly proclaimed disunion.[1] The North was hardly less excited; the legislatures of all the states of that section except Iowa passed resolutions favoring congressional prohibition of slavery in the territories, and a number took action looking towards the abolition of slavery and the slave-trade in the District of Columbia.[2]

Thus, amid energy-consuming sectional quarrels that prevented the discharge of urgent national duties, the strenuous Polk administration drew to a close. Though it had accomplished large results, it left much unfinished work involving an exceedingly complex and difficult group of problems. Should slavery be excluded from California and New Mexico by congressional action? Should it be excluded from a part of both by extending the line between slavery and free soil to the Pacific? Or should they be left free to exclude it or not, as they might choose, on the principle of squatter sovereignty? Should that part of New Mexico east of the Rio Grande follow the fortunes of the part west of the river? Or should it be made a slave-holding district by conceding the boundary claimed by Texas? The struggle for solutions to these pressing problems necessarily brought under review the whole subject of sectional differences concerning slavery, and suggested a compromise that should endeavor to adjust them all. Thus were added to the group of troublesome issues those relating to the return of

[1] Rhodes, *United States*, I., 105–107. [2] *Ibid.*, 107.

fugitive slaves, and to slavery and the slave-trade in the District of Columbia. The series of problems which had been raised by the expansion movement originally included the question as to whether slavery should be unconditionally excluded from Oregon; but through the earnest endeavors of President Polk the territory was organized, and this question settled separately before a general bargain could be reached. Action, however, in providing for the organization of Oregon did relatively little to simplify the puzzling issue that was absorbing the situation of the president and Congress; and the triumph of the Whigs in 1848 brought them an inheritance of trouble and responsibility which they were ill-prepared to face.

CHAPTER XX

THE COMPROMISE OF 1850

(1849–1850)

SOME aspects of the unfinished work of the Polk administration demanded prompt attention. In default of congressional action, slavery and the slave-trade might still exist in the District of Columbia, as they had existed from its earliest settlement; fugitive slaves might continue to be withheld from their owners as they had been in the past; and the broad waste along the border of Texas and New Mexico might yet remain a sufficient boundary; but some provision must be made for the government of the territories acquired by the war. The discovery of gold in California had carried thither a population that could not remain politically unorganized, nor could the status of New Mexico be allowed to go unchanged without grave inconvenience and peril. Something must be done, and that quickly.

During the interval between the final adjournment of the thirtieth Congress and the assembling of the thirty-first the case of California took on a very different aspect. President Taylor sent

agents thither and to New Mexico with instructions to inform the people of these territories of his desire that they should form constitutions for themselves and apply for admission to the Union as states.[1] But before the agent sent to California reached his destination the movement desired by the president was already begun.

The conditions, in fact, made such action a necessity. On January 24, 1848, gold was discovered in the lower Sacramento Valley; and when the news spread a mad rush thither began by land and sea from all parts of the world. The settlers already in California left their business to engage in mining, and soldiers and sailors deserted from the service of the United States government to do the same. Everything was neglected except the search for gold, and labor rose at once to inordinate prices.[2] Among the crowd attracted to California was a large proportion of reckless adventurers, who would have made it difficult to preserve order under almost any conditions; and under a government as weak and ill-established as that of the conquered province, the result was practical anarchy. An immediate remedy was found in the rough methods of popular tribunals;[3] but the civic instincts of the settlers in California, as well as of the people of the United

[1] *Senate Docs.*, 31 Cong., 1 Sess., IX., No. 18, p. 10; Richardson, *Messages and Papers*, V., 26.

[2] W. T. Sherman, *Memoirs*, I., 74, 82.

[3] Hittell, *California*, II., 724–726.

States, forbade any continued dependence on a procedure so contrary to Anglo-Saxon traditions, and it was soon decided to adopt the plan which had been recommended by Benton.[1] Governor Riley, the head of the *de facto* government left by the conquest, on hearing that Congress had adjourned without providing a government for California, called a convention to undertake this duty. The convention was held in September, 1849, and a constitution prohibiting slavery was adopted; and in due course of time a state government was set up to which Riley resigned his authority. It remained only for Congress to recognize what had been done.

In his annual message at the opening of Congress in December, 1849, written before the constitution of California had been received at Washington, President Taylor spoke of the movement to organize a state government there and of the prospect that a similar movement would soon take place in New Mexico, and suggested that Congress should await the action, avoiding meanwhile "the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind." January 23, 1850, in answer to a resolution of the Senate, he transmitted fuller information as to what was happening in the southwest and what he had done to bring it about.[2]

[1] See p. 307, above.

[2] The message and accompanying documents are printed in full in *Senate Docs.*, 31 Cong., 1 Sess., IX., No. 18.

The beginning of the thirty-first Congress, in December, 1849, was marked by a prolonged and fierce contest in the House over the speakership. The difficulty of making a choice lay in the fact that the thirteen Free-Soilers holding the balance of power were unwilling to allow the election of either the Democratic candidate, Cobb of Georgia, or the Whig candidate, Winthrop of Massachusetts. At one time W. J. Brown, a Democrat from Indiana, was about to be elected; but that prospect was dissipated by the revelation of the fact that he had made terms with the Free-Soilers.[1] In the course of the struggle Toombs of Georgia declared: "I do not . . . hesitate to avow before this House and the country, and in the presence of the living God, that if by your legislation you seek to drive us from the territories of California and New Mexico, purchased by the common blood and treasure of the whole people, and to abolish slavery in this District, thereby attempting to fix a national degradation upon half the States of this Confederacy, *I am for disunion.*"[2] To which Baker of Illinois replied: "In the name of the men of the North so rudely attacked, and speaking what I know to be their sentiments, I say a dissolution of this Union is, must be, shall be, impossible, as long as an American heart beats in an American bosom, or the Almighty sends His wisdom and His goodness to guide and to bless us."[3]

[1] *Cong. Globe*, 31 Cong., 1 Sess., 19–24.
[2] *Ibid.*, 28. [3] *Ibid.*, 29.

The chamber rang with applause for both. Like speeches were made by others, and it was evident that the outlook was becoming dangerous. At the end of three weeks spent in balloting, after a scene of the wildest disorder, Cobb was finally elected by a plurality vote, December 22, 1849.

While, however, the contest over the speakership was at last decided, the issue relative to slavery was not. Some action by Congress in regard to the organization of California and New Mexico was urgently demanded; but every approach to the subject now stirred up the fiercest sectional antagonism, and conservative men and lovers of the Union throughout the country were becoming deeply alarmed. So far as the territorial question was concerned, the issue was both simplified and concentrated by the action of California; for the state constitution fixed the boundaries of the new commonwealth as stretching along the Pacific coast from Oregon to Mexico, and hence there was no longer opportunity for extending the Missouri Compromise line. If California were admitted as a state, the only things left to contest were the extent of New Mexico, as against the claims of Texas, and the status of New Mexico (which included Utah) with regard to slavery. If New Mexico were really free, it was desirable for the South to push the boundaries of Texas westward; if New Mexico were not free, then the organization act ought to show that fact. The Mormons who had gone out to the Salt

Lake region in 1846 had no interest in slavery, and they, therefore, presented another complication.

The crisis brought to the front the veteran political leader Clay, again in the Senate, for the last great effort of his strenuous life. A resolution looking to the organization of that part of the Mexican cession east of the Sierra Nevada as a territory with slavery excluded had already been introduced in the House;[1] and senators had introduced separate bills for the more effectual execution of the constitutional provision concerning fugitive slaves, for the formation of the whole Mexican cession into three territories, and for the reduction of the limits of Texas with her own consent,[2] when Clay, January 29, 1850, introduced in the Senate a series of eight resolutions looking towards the compromise that alone could make the much-needed legislation possible.

These resolutions provided that California should be admitted as a state and the remainder of the Mexican cession should be organized into territories without restriction as to slavery. The Texas debt contracted previous to annexation, up to an amount to be fixed by Congress, was to be paid by the United States — since Texas had surrendered its revenue from customs—but the condition was annexed that the territorial claims of the state on New Mexico should be given up. Slavery in the District of Columbia and the interstate slave-trade were not to be interfered with, but the importation of slaves

[1] *Cong. Globe*, 31 Cong., 1 Sess., 91. [2] *Ibid.*, 165–171.

into the district for sale should be prohibited. Finally, more effectual provision was to be made for the return of fugitive slaves.[1]

The debate on the resolutions was memorable. It was the last meeting in forensic struggle of the three intellectual giants, Clay, Calhoun, and Webster, who had entered Congress practically together nearly forty years before. It was also the first appearance in the Senate of two young men who were destined to become notable figures in subsequent years—Chase and Seward. Clay and Webster exhausted their surpassing eloquence on behalf of the compromise, while Calhoun gathered his failing energies for one desperate struggle against it, in which, from widely different motives to his own, he was joined by Chase and Seward. Each spoke for a large following; and in their arguments and appeals were well summed up the thought and feeling of the various sections of the Union. The de-nationalizing influence of slavery, if not fully portrayed, was at least abundantly and strikingly illustrated. The dissatisfaction of the North with the Federal ratio, and of the South with the share which it had obtained by compromises already made in the territory, added by annexations to the United States, were strongly expressed; and the determination prevailing among those who opposed slavery on moral grounds to disregard as far as possible, the laws by which it was supported was boldly avowed.

[1] *Cong. Globe*, 31 Cong., 1 Sess., 246.

Clay's speech in support of his resolutions was made February 5 and 6, 1850. He was seventy-three years of age and in feeble health; but he now faced the Senate once more, after an absence of eight years,[1] with the prestige of long-acknowledged political leadership and the confidence of one who had been looked to for advice and had been trustfully followed by the rank and file of his party in many a similar crisis. Beginning with a few words relative to the importance of the occasion, he went on to say that Congress and the state legislatures were "twenty-odd furnaces in full blast in generating heat, and passion, and intemperance, and diffusing them throughout the whole extent of this broad land"; and expressed his anxiety to restore "concord, harmony, and peace." If Congress sought to overthrow slavery in the state, his voice would be for war, and the slave states would have the good wishes of all who loved justice and truth; but no sympathy would be extended them in a war "to propagate wrongs" in the territory acquired from Mexico. Appealing to the men of the North, he cried: "What do you want?—What do you want?—you who reside in the free States. Do you want that there shall be no slavery introduced into the territories acquired by the war with Mexico? Have you not your desire in California? And in all human probability you will have it in New Mexico also. What more do you want? You have got what is

[1] See p. 66, above.

worth more than a thousand Wilmot provisos. You have nature on your side—facts upon your side—and this truth staring you in the face that there is no slavery in those territories." The abolition of the slave-trade in the District of Columbia Clay regarded as no concession, but as something on which both sides should unite. As to the failure to execute the fugitive-slave law, he thought the South had "serious cause of complaint against the free States"; but disunion would furnish no remedy for any southern grievance. He was "directly opposed to any purpose of secession, of separation"; he thought there was "no right on the part of one or more of the States to secede"; in the Union he meant "to stand and die." [1]

On March 4 came the reply of Calhoun. The shadow of death was already upon him, and the speech which he was himself too ill to deliver was read by Senator Mason of Virginia; but the effect of the reading was enhanced by Calhoun's presence. He explained the discontent of the South as due to northern aggression, which had overthrown the equilibrium of the sections by excluding slavery from about three-fourths of the territory added to the original states; and by using a protective tariff to transfer wealth from South to North, with the effect of attracting immigration mainly to the latter, had changed the character of the United States government from a federal republic to a consoli-

[1] *Cong. Globe*, 31 Cong., 1 Sess., App., 115–127.

dated democracy; and had begun to agitate the complete abolition of slavery. "Indeed," said he, "as events are now moving, it will not require the South to secede to dissolve the Union. Agitation will of itself effect it." The proposed compromise could not save the Union; nor could the "Executive proviso"—President Taylor's proposition—of allowing the people of the territories themselves to decide the question of slavery within their limits, which must result in its exclusion. The Union could be saved only "by conceding to the South an equal right in the acquired territory, . . . by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which . . . [would] restore to the South in substance the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government." [1]

On March 7, 1850, was delivered the speech of Webster, beginning with a magnificent exordium: "Mr. President, I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. . . . The imprisoned winds are let loose. The East, the West, the North, and the stormy South, all combine to throw the whole ocean into commotion, to toss its billows to the skies, and

[1] *Cong. Globe*, 31 Cong., 1 Sess., 451–455.

to disclose its profoundest depths. . . . I have a duty to perform, and I mean to perform it with fidelity —not without a sense of surrounding dangers, but not without hope. . . . I speak to-day for the preservation of the Union. 'Hear me for my cause.' . . ." He then gave a historical review of slavery, referring to the expectation prevailing in the earlier years of the United States that when the importation of slaves ceased the institution would begin to die away, and showing how the prospect was changed by the development of cotton culture. He had his humorous fling at the northern Democrats who had voted "to bring in a world here, among the mountains and valleys of California and New Mexico, or any other part of Mexico, and then quarrel about it—to bring it in, and then endeavor to put upon it the saving grace of the Wilmot proviso."

Nature, he claimed, had excluded slavery from the acquired territory; and in oft-quoted words, upon the framing of a territorial government for New Mexico, he said: "I would not take pains to reaffirm an ordinance of nature, nor to reenact the will of God. And I would put in no Wilmot proviso, for the purpose of a taunt or a reproach." As to the return of fugitive slaves, he thought "that the South is right, and the North is wrong"; but this was the only southern grievance that could be redressed by Congress. Peaceable secession was impossible, and he prayed his hearers to come out

from such "caverns of darkness" into "the fresh air of liberty and union." [1]

March 11, 1850, Seward, addressing the Senate in relation especially to the status of California, was naturally led to cover the whole ground of the proposed compromise. He was opposed to it because he thought "all legislative compromises radically wrong and essentially vicious." Quoting the fugitive-slave provision of the Constitution, he asserted: "The law of nations disavows such compacts; the law of nature, written on the hearts and consciences of freemen, repudiates them." "It is true, indeed," said he, "that the national domain is ours; it is true, it was acquired by the valor and with the wealth of the whole nation; but we hold, nevertheless, no arbitrary power over it. . . . The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty. But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purpose." He denied that the Constitution recognized chattel slavery, and averred that there was "no climate uncongenial to slavery," and that the Wilmot Proviso was necessary for its exclusion from New Mexico and California.[2]

Chase's speech, delivered March 26 and 27, declared the duty of Congress to be non-interference

[1] *Cong. Globe*, 31 Cong., 1 Sess., App., 269–276.
[2] *Ibid.*, App., 262–269.

with slavery in the states and prohibition in the territories. He agreed with Seward that the Constitution did not recognize chattel slavery, and he characterized the temporary protection extended by the Constitution to the slave-trade as "the first fruit of intimidation on the one side, and concession and compromise on the other." The three-fifths rule of slave representation he declared to be one reason for the attachment of the South to its peculiar domestic institutions. But for the Northwest Ordinance, he claimed, all the states west of the Alleghanies would have had slavery; and he endeavored to show that the slave states, instead of getting less than their share of acquired territory, as Calhoun argued, had received far more. The cry of disunion he regarded as "stale," and it did not alarm him.[1]

Webster has been freely charged by the zealous anti-slavery men of those and later days with sacrificing his conscience to his desire for the presidency; but it is doubtful whether those from whom the charge has come have fully understood his real character or the real significance of his career.[2] The mission which he felt the circumstances of his era had committed to him was to defend the Union till the bonds had grown too strong to break.

[1] *Cong. Globe*, 31 Cong., 1 Sess., App., 468–480; Hart, *Chase*, 125–130.

[2] For a sympathetic view, see Rhodes, *United States*, I., 137–161; distinctly partisan, Curtis, *Webster*, II., 402–433.

The anti-slavery crusade must fall to the men of a younger generation, whose work, had it come sooner, would have placed American nationality in deadlier peril than was brought by the Civil War. For Seward's appeal to the "higher law" by which he justified the refusal of constitutional protection to slavery meant one law for the North and another for the South—the very foundation of the "irrepressible conflict," but, from the stand-point of Webster and of Clay, dangerous as precipitating a crisis for which the time was not ripe.

April 18, 1850, the compromise resolutions were referred to a committee of thirteen, with Clay as chairman. Seven members of the committee were Whigs and six Democrats; seven were from slave and six from free states, and all but two were moderates.[1] May 8 the committee reported two bills, together with an amendment to the fugitive-slave bill already pending in the Senate,[2] which collectively would accomplish nearly all of what Clay proposed. The first of these bills, which because of the variety of subjects it dealt with was called "the Omnibus Bill," provided for the admission of California into the Union, for the organization of the remainder of the Mexican cession into the two territories of Utah and New Mexico, and for a proposition to the state of Texas to fix its boundaries so as to exclude what it had claimed from

[1] Cf. Rhodes, *United States*, I., 171.
[2] *Cong. Globe*, 31 Cong., 1 Sess., 944–948.

New Mexico and to receive therefor a sum of money from the United States. The other bill provided for the suppression of the slave-trade in the District of Columbia; and the amendment to the Senate bill for the return of fugitive slaves was intended to make that measure more effective. The Omnibus bill was under consideration in the Senate for nearly two months, and was amended until all that was left of it when it was passed on August 1 was the provision for the territorial organization of Utah.

Meanwhile various circumstances and influences worked in favor of the compromise. The self-assertive disposition of the South found expression in a convention of the slave-holding states which met at Nashville June 3, 1850, and in which nine states were represented. The movement took on no great importance except as an indication of potential mischief, but it thus helped to increase the desire for an agreement.[1] July 9, Taylor died, and the presidency devolved on Fillmore, who was more under the influence of Clay, and therefore the more inclined to favor the compromise himself. Immediately after he took up his executive duties there arose grave danger of a clash between the national government and that of Texas over the claims of the latter to New Mexico east of the Rio Grande. In a message on the subject, dated August 6, Pres-

[1] Smith, *Parties and Slavery* (*Am. Nation*, XVIII.), chap. i.; Rhodes, *United States*, I., 173; Benton, *Thirty Years' View*, II., 780–785.

ident Fillmore communicated information to the effect that Texas was preparing to assert jurisdiction over the disputed part, and indicated his determination to resist such attempt by force. He suggested, however, that the difference might be settled by an indemnity to the state for the surrender of its claim. This, in fact, was one of the features of the compromise, and the efforts of Fillmore were now joined to those of Clay and others who were striving for the proposed adjustment. The various measures which went to make it up were embodied in separate bills which were passed one after another by both the Senate and House, in most cases by a decisive majority. The votes in opposition were cast by the radicals both North and South, and in several cases the result was attained by refusals of opponents to vote at all. Six senators and twenty-seven representatives from slave states voted for the California bill; three senators and thirty-one representatives from free states for the fugitive-slave bill; and six senators and three representatives from slave states for the bill to abolish the slave-trade in the District of Columbia. On the whole, the determining vote for the compromise came from the Ohio Valley states, together with Delaware, Pennsylvania, and Missouri. For the rest, the voting followed in the main the lines of sectional interest.[1]

The actual compromise included so many details

[1] Cf. Rhodes, *United States*, I., 181–185.

that it is hard to know just where and to what degree the two sides gave way. The new fugitive-slave law, with its more drastic penalties for aid and rescue, and its "summary process" of taking testimony, was balanced by the provision for the restriction on the slave-trade in the District of Columbia. Texas accepted a diminution of the boundaries claimed in 1836, leaving Santa Fé in New Mexico. A division of that territory into a northern half, Utah, and a southern, New Mexico, at the line of 37° seemed an indirect method of asserting the old principle of the compromise line. The crux of the compromise was the territorial clause of the New Mexico and Utah acts, which read as follows: Provided that, when ready for statehood, "the said Territory . . . shall be admitted into the Union, with or without slavery, as their Constitution may prescribe at the time of admission."

Was disunion, absolute and permanent, the only alternative of compromise? The question may now be lightly dismissed; but in 1850 it was more pressing and important. It is no easy matter to look back from the stand-point of present conditions and see the struggle of that year in its true perspective. But as one recalls the evident indisposition of the North to resist secession in 1861, the willingness to "let the erring sisters depart in peace" that disappeared only when Fort Sumter was attacked [1]—and this after the fugitive-slave law and

[1] Hart, *Am. Hist. Told by Contemps.*, IV., 186.

the contest over Kansas had done their work towards quickening the animosity of the fast diverging sections—it does not seem so difficult to believe that peaceful and successful secession in 1850 would have been entirely possible. The compromise, however, both saved the bond and lighted the fire the heat of which was to weld the Union.

The expansion impulse, in spite of the weakening influence of sectional divergence, had accomplished its ends. The boundary of the United States rested at length on the shore of the Pacific, and the territory thus won was given legal state and organized governments. The movement led to occasion of great political discord, and undoubtedly served to emphasize the threatening diversity of interest between North and South. The real causes, however, of the discord were older and deeper, and it would have come without the annexation of Texas or the Mexican War; for neither of these was the necessary antecedent of the struggle for Kansas; the sectional party organization of 1856, the Republican victory of 1860, and the secession which followed. It is well for the Union and for American interests that the quarrel between the sections did not develop so rapidly as to prevent or seriously to delay the last great wave of westward extension.

CHAPTER XXI

CRITICAL ESSAY ON AUTHORITIES

BIBLIOGRAPHICAL AIDS

IN finding his way through the great mass of historical literature relative to the period covered by this volume, the student will obtain especially useful assistance from three works. J. N. Larned, *The Literature of American History, a Bibliographical Guide* (1902), is written on the co-operative plan by about forty specialists, the materials being subdivided into classified lists and each title accompanied by a brief critical evaluation; those of greatest importance for the westward-extension movement will be found grouped under "Period of the Slavery Question" and "Midcontinental and Pacific Regions." Channing and Hart, *Guide to the Study of American History* (1896), is of special value to teachers and advanced students: chapters xxi. and xxii. contain a list of specific references in which are included those belonging to the period of 1841–1850. Justin Winsor, *Narrative and Critical History of America* (8 vols., 1886–1889), though it deals with only a few of the more important aspects of the history of the United States under the Constitution, is still very useful for the field of this book, especially vol. VII., chaps. v.–vii., and Appendix (first part). Worthy of mention also are William E. Foster, *References to the History of Presidential Administrations, 1789–1885* (1885); Edwin E. Sparks, *Topical Reference Lists in American History*, etc. (1893), and the references appended to the chapters in Woodrow Wilson, *A History of the American People* (5 vols., 1902). The best guide to the publications of the United

States government is the *Table of and Annotated Index to the Congressional Series of United States Public Documents* (1902), prepared in the office of the superintendent of documents. A general indication of the nature of the unpublished material in possession of the national government will be found in Van Tyne and Leland, *Guide to the Archives of the Government of the United States in Washington* (1904). For investigation that leads into periodicals, W. F. Poole, *An Index to Periodical Literature* (several editions), is indispensable.

GENERAL SECONDARY WORKS

Foremost among the elaborate works covering the period are Hermann E. von Holst, *Constitutional and Political History of the United States* (translated from the German by Lalor, Mason, and Shorey, 8 vols., 1876–1892), and James Schouler, *History of the United States of America under the Constitution* (6 vols., 1899). Both these histories are valuable, but in the ethical rather than the true historical vein, and neither shows insight into the real motives of the South in joining issue with the North as to slavery. Bryant and Gay, *A Popular History of the United States* (4 vols., 1876–1881), is subject to the same criticism, and is, moreover, ill-proportioned and of small value to the investigator. Woodrow Wilson, *A History of the American People* (5 vols., 1905), gives a brief general survey of the westward movement, which, while not always accurate in detail, is illuminating in many of its generalizations and rational in its exposition. In this, as in other periods of United States history, the student will find useful Alexander Johnston's summarized descriptions and explanations in John J. Lalor, *Cyclopædia of Political Science* (3 vols., 1890), reprinted separately, edited by J. A. Woodburn (2 vols., 1905). For the series of presidential elections, a good treatment, though not entirely free from prejudice, is Edward Stanwood, *A History of the Presidency* (1898).

GENERAL COLLECTIONS OF SOURCES

First in value for the study of the acts of the United States government is the official record of the proceedings of Congress in *The Congressional Globe, containing the Debates and Proceedings* (108 vols., 1834–1873). In Thomas H. Benton, *Abridgment of the Debates of Congress, from 1789 to 1856* [actually 1850] (16 vols., 1857–1861), is a selection of matter from the record of congressional proceedings, in which the abridging process is not by condensation or summary, but by excerpt, in unchanged form, of what the abridger regarded as most important, especially his own speeches; the latter part of vol. XIV. and the whole of vols. XV. and XVI. belong to the field of this work. The *Journal of the Executive Proceedings of the Senate of the United States* (18 vols., 1828–1887) contains material of importance not to be found elsewhere.

There is a great mass of detail in *House Executive Documents*, *Senate Executive Documents*, *House Reports*, *Senate Reports*, and other documents of the official series, relating to boundaries, annexations, the Mexican War, etc., which is often very important, and through which the patient reader can find his way with the help of the "Table and Index" named under *Bibliographical Aids* above. Texts of the various treaties are printed in *Treaties and Conventions Concluded between the United States and Other Powers since July 5, 1776* (1889), printed as *Senate Executive Documents*, 48 Cong., 2 Sess., 47. James H. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789–1897* (10 vols., 1896–1899), is a convenient collection of the materials indicated by its title. Among unofficial collections the most useful are William MacDonald, *Select Documents Illustrative of the History of the United States, 1776–1861* (1898), and Albert Bushnell Hart, *American History Told by Contemporaries* (4 vols., 1897–1901), of which vols. III. and IV. cover the period of westward extension.

SPECIAL COLLECTIONS OF SOURCES

Useful among these are Lyon G. Tyler, *Letters and Times of the Tylers* (3 vols., 1884–1896); and the manuscript collection in the Texas State Library entitled *Diplomatic, Consular, and Domestic Correspondence of the Republic of Texas*. There is a general description of the correspondence between the United States and Texas on file at Washington, in Andrew C. McLaughlin, *Report on the Diplomatic Archives of the Department of State, 1776–1840* (1904). Here should be mentioned also John C. Calhoun, *Works* (edited by Richard K. Crallé, 6 vols., 1853–1855); Daniel Webster, *Works* (6 vols., 1851); Henry Clay, *Works, comprising his Life, Correspondence, and Speeches* (edited by Calvin Colton, 6 vols., 1857, reprinted with additional matter, 7 vols., 1897); Rufus Choate, *Works* (with a memoir of his life by S. G. Brown, 2 vols., 1862); Josiah Morrow, *Life and Speeches of Thomas Corwin* (1896); John Adams Dix, *Speeches and Occasional Addresses* (2 vols., 1865); Levi Woodbury, *Writings, Political, Judicial, and Literary* (1852); *Diary and Correspondence of Salmon P. Chase* (edited by Edward G. Bourne and Frederick W. Moore), in American Historical Association, *Annual Report* (1902, II.); Mrs. Chapman Coleman, *The Life of John J. Crittenden, with Selections from his Correspondence and Speeches* (2 vols., 1871); *The Correspondence of John C. Calhoun* (edited by J. Franklin Jameson), in American Historical Association, *Annual Report* (1899, II.); Anson Jones, *Memoranda and Official Correspondence relating to the Republic of Texas, its History and Annexation* (1859); Wendell P. and Francis J. Garrison, *William Lloyd Garrison, 1805–1879; the Story of his Life Told by his Children* (4 vols., 1885–1889; new ed., 4 vols., 1894), of which vol. III. covers the years 1841–1860; George W. Julian, *Life of Joshua R. Giddings* (1892).

DIARIES AND NARRATIVES BY CONTEMPORARIES, ETC.

Among the most valuable of such materials belonging either wholly or in part to the period of this book is the

diary of James K. Polk, extending from August 27, 1845, to April 29, 1849. The voluminous original (not yet published) is in possession of the Chicago Historical Society, and a copy made for George Bancroft is in the Lenox Library. Three additional typewritten copies have recently been made, one of which has been used in the preparation of this volume. Other records of contemporaneous experience. and opinion will be found in John Quincy Adams, *Memoirs, comprising Portions of his Diary from 1795 to 1848* (edited by Charles Francis Adams, 12 vols., 1874–1877), of which the latter part of vol. X. and the whole of vols. XI. and XII. fall within the field of this book; Thomas H. Benton, *Thirty Years' View; or, a History of the Working of the American Government for Thirty Years, from 1820 to 1850* (2 vols., 1854–1857); Nathan Sargent, *Public Men and Events from the Commencement of Mr. Monroe's Administration, in 1817, to the Close of Mr. Fillmore's Administration, in 1853* (2 vols., 1875), of which vol. II. begins with Van Buren's administration; Henry A. Wise, *Seven Decades of the Union* (1881); Henry Wilson, *History of the Rise and Fall of the Slave Power in America* (3 vols., 1872–1877), which reaches the Tyler administration near the close of vol. I., and the compromise of 1850 about the middle of vol. II. Concerning all these works it should be said that they are of great importance for the period; but, while there is no room to question the honesty of the writers, allowance must always be made for their point of view.

BOOKS OF TRAVEL

For a long list of foreign travels in this period, see Albert Bushnell Hart, *Slavery and Abolition* (*American Nation*, XVI.), chap. xxii.

CONTEMPORANEOUS PERIODICAL LITERATURE

Of greatest value for the period among the materials of this class is *Niles' National Register* (76 vols., 1811–1849),

which reflects in greater or less degree almost every aspect of the national life of the time. There are two volumes for each year, and vol. LX. begins with the issue for March 6, 1841. The files of the *National Intelligencer* (Washington, 1800–1870), *The Enquirer* (Richmond, 1804–1906), the *Evening Post* (New York, 1746, 1794–1795, 1801–1906), the *New York Tribune* (1841–1906), the *Courier-Journal* (Louisville, 1831–1906), are also very useful. Highly important for the study of industrial, educational, and social conditions, especially in the South, are *De Bow's Commercial Review* (34 vols., 1846–1864; 8 vols., 1866–1870) and the *Southern Literary Messenger* (36 vols., 1834–1864; revived and three numbers issued in 1890).

BIOGRAPHIES

Some of the most serviceable of these are George Ticknor Curtis, *Life of Daniel Webster* (2 vols., 1870); George Ticknor Curtis, *Life of James Buchanan* (2 vols., 1883); Ivory Chamberlain, *Biography of Millard Fillmore* (1856); and the following volumes of the *American Statesman* series: Carl Schurz, *Henry Clay* (2 vols., 1892); Henry Cabot Lodge, *Daniel Webster* (1883); Hermann von Holst, *John C. Calhoun* (1882); Andrew Cunningham McLaughlin, *Lewis Cass* (1891); Theodore Roosevelt, *Thomas Hart Benton* (1887); Edward M. Shepard, *Martin Van Buren* (1888); John Torrey Morse, *John Quincy Adams* (1882); Albert Bushnell Hart, *Salmon Portland Chase* (1899).

THE WESTWARD MOVEMENT OF POPULATION

Most important here are *The Seventh Census of the United States* (supt., J. D. B. De Bow); and Bureau of the U. S. Census (director, S. N. D. North), Bulletin No. 8 (1904), entitled *Negroes in the United States;* Turner, *New West* (*American Nation*, XV.), chaps. v–viii. Especially useful also are the following works by H. H. Bancroft, *History of the North Mexican States and Texas* (2 vols.,

1886–1889, II.; *History of California* (7 vols., 1886–1890), IV.–VI.; *History of the Northwest Coast* (2 vols., 1886), II.; *History of Oregon* (2 vols., 1886–1888). A good check on Bancroft's work is Theodore H. Hittell, *History of California* (4 vols., 1886–1897). The most valuable feature of Bancroft's writings is the bibliography: he worked largely through paid assistants, whose results he appropriated without credit. His methods are described with a considerable degree of frankness in his *Literary Industries* (*Works*, XXXIX.), in which he names, with brief appreciations, a number of his helpers and tells of his relations with them. As to the actual authorship of the different volumes of the series, see William Alfred Morris, "The Origin and Authorship of the Bancroft Pacific States Publications," etc., in the Oregon Historical Society, *Quarterly*, IV., 287–364. Whatever advantages there may have been in the method, the natural outcome of its application to a field so large and so little worked was the production of a mass of historical fact which, while exceedingly valuable in its details, is too often ill digested and ill organized and fails to reflect adequately the deep human significance and scientific importance of the collective life it seeks to describe. Nevertheless, Bancroft was a genuine path-breaker, and his works are indispensable to the investigator. The enormous and rich collection of materials, manuscript and printed, for southwestern history made by him, which contains much that is of special value for the period of this volume, has lately been acquired by the University of California.

The most complete collection of published material for the study of the Anglo-American colonization of Texas is in *A Comprehensive History of Texas* (edited by Dudley G. Wooten; 2 vols., 1898), pt. ii., chaps. i.–ix., which consist of a series of studies relative to Austin's colony by Guy M. Bryan, made up largely of documents from the papers of Stephen F. Austin, now in the possession of the University of Texas. A good account of another *empresario* settlement is Ethel Zivley Rather, "De Witt's

Colony," in the Texas State Historical Association, *Quarterly*, VIII., 95–192. A brief survey of the colonizing movement will be found in George P. Garrison, *Texas* (1902), in the *American Commonwealths* series. A treatment of the same subject on an enlarged scale that is, on the whole, excellent, is in Henderson Yoakum, *History of Texas from its First Settlement in 1685 to its Annexation to the United States in 1846* (2 vols., 1856), which is reprinted in A *Comprehensive History of Texas*, with valuable annotations, but without the appendices, which are also highly valuable.

For the immigration to Oregon and California, works that are all more or less useful, are: Gustavus Hines, *A Voyage Round the World, with a History of the Oregon Mission*, etc. (1850); W. H. Gray, *A History of Oregon, 1792–1849* (1870); Robert Greenhow, *The History of Oregon and California*, etc. (1844); Francis Parkman, *The California and Oregon Trail, being Sketches of Prairie and Rocky Mountain Life* (1849), fifth edition, illustrated by Remington, entitled *The Oregon Trail: Sketches of Prairie and Rocky Mountain Life* (1892); Lee and Frost, *Ten Years in Oregon* (1844); Mrs. Frances Fuller Victor, *The River of the West* (1870); Josiah Royce, *California* (1886), in the *American Commonwealths* series; J. C. Frémont, *Report of the Exploring Expedition to the Rocky Mountains in the Year 1842, and to Oregon and North California in the Years 1843–44* (1845), printed as *Senate Documents*, 28 Cong., 1 Sess., No. 174; Peter H. Burnett, *Recollections and Opinions of an Old Pioneer* (1880); J. Tyrwhitt Brooks, *Four Months among the Gold-Finders in California* (1849); Hinton Rowan Helper, *Land of Gold; Reality vs. Fiction* (1855); Alfred Robinson, *Life in California during a Residence of Several Years in that Territory* (1846).

ANNEXATION OF TEXAS

A detailed description of the earliest phase of this movement is George P. Garrison, "The First Stage of the

Movement for the Annexation of Texas," in the *American Historical Review*, X., 72–96. Useful monographs dealing with the subject are Sam Bell Maxey, "The Annexation of Texas to the United States," in *A Comprehensive History of Texas, 1685–1897*, I., pt. ii., chap. xiv.; Z. T. Fulmore, "The Annexation of Texas and the Mexican War," in Texas State Historical Association, *Quarterly*, V., 28–48; and J. L. Worley, "The Diplomatic Relations of England and the Republic of Texas," *ibid.*, IX., 1–40. Among the most important sources for the history of annexation are: *House Documents*, 25 Cong., 1 Sess., I., 40 (correspondence relative to the first proposition from Texas); *House Documents*, 27 Cong., 2 Sess., V., 271 (correspondence relative to the relations with Texas, submitted by Tyler to the House, July 22, 1842); *Senate Documents*, 28 Cong., 1 Sess., V., 341, 345, 349 (treaty and correspondence relative thereto); *ibid.*, VI., 351, 361, 367 (concerning attitude of England towards slavery and annexation); *House Documents*, 28 Cong., 1 Sess., VI., 271 (Tyler's message of June 10, 1844, to House with accompanying documents, largely identical with *Senate Documents*, V., 341); *Senate Documents*, 28 Cong., 2 Sess., III., 79 (report of Senate committee on foreign relations adverse to joint resolution as passed by House); *House Documents*, 29 Cong., 1 Sess., I., 2 (correspondence submitted with Polk's first annual message). Various documents of the 25th to the 29th Congresses contain petitions and resolutions of groups of individuals, public meetings, legislatures, etc., relating to annexation, which can be located by using the *Table and Index* mentioned under "Bibliographical Aids."

THE MEXICAN WAR

A detailed account of the war will be found in H. H. Bancroft, *History of Mexico* (6 vols., 1883–1888), V. William Jay, *A Review of the Causes and Consequences of the Mexican War* (1849), while maintaining the untenable "conspiracy" theory and unduly emphasizing the influ-

ence of slavery, supports his argument with a collection of facts well worth attention. Abiel Abbot Livermore, *The War with Mexico Reviewed* (1850), was written for a prize offered by the American Peace Society; it should be read by those who wish to understand the different contemporaneous views of the war. Of special value for insight and judicial illuminating exposition are Edward G. Bourne, "The United States and Mexico, 1847–1848," in *The American Historical Review*, V., 491–502; and Jesse S. Reeves, "The Treaty of Guadalupe-Hidalgo," *ibid.*, X., 309–324. The most satisfactory account of the military operations is R. S. Ripley, *The War with Mexico* (2 vols., 1849); but worthy of mention are also Marcus J. Wright, *General Scott* (1894), and Oliver Otis Howard, *General Taylor* (1892)—both in the *Great Commanders* series. Scott's share in the war may be studied in his *Memoirs* (usually cited as his "Autobiography"), which, however, must be used with caution. U. S. Grant, *Personal Memoirs* (2 vols., 1885–1886; revised ed., 1895), I., deals at some length with the Mexican War, and is a valuable authority. The campaigns in northern Mexico may be followed in John T. Hughes, *Doniphan's Expedition; containing an Account of the Conquest of New Mexico*, etc. (1847); H. H. Bancroft, *History of California* (7 vols., 1886–1890), V. and VI., and *History of Arizona and New Mexico* (1889); Josiah Royce, *California* (1886).

The documents of the 24th to the 30th Congresses contain an enormous amount of material relating to the causes of the war and the war itself, through which the reader can best find his way with the help of the *Table and Index* to that series already named. This material consists mainly of congressional reports, correspondence, etc., concerning the relations of the United States with Mexico, and various aspects of the war, such as the enlistment and organization of the troops, transportation and supplies, operations in the field, the government of the conquered territory, etc. Some of the most important documents are *House Documents*, 24 Cong., 2 Sess., III., 139 (relative

to authorizing reprisals against Mexico); *House Documents*, 25 Cong., 2 Sess., XII., 351 (correspondence with Mexico, 1828–1838); *Senate Documents*, 28 Cong., 1 Sess., I., 1 (the same, during the latter part of 1843); *House Reports*, 29 Cong., 1 Sess., IV., 752 (report of House committee of foreign affairs on causes of the war); *Senate Documents*, 29 Cong., 2 Sess., I., 1 (Polk's annual message of December 8, 1846, and the accompanying documents); *Senate Executive Documents*, 30 Cong., 1 Sess., I., 1 (Polk's annual message of December 7, 1847, and the papers transmitted therewith); *Senate Executive Documents*, 30 Cong., 1 Sess., V., 33 (Frémont's court-martial); *House Executive Documents*, 30 Cong., 1 Sess., VII., 60 (presidential messages and correspondence as to the Slidell mission, the war, etc.), in which are reprinted *House Documents*, 29 Cong., 1 Sess., VI., 196, *House Documents*, 29 Cong., 2 Sess., IV., 119, and several other documents; *House Reports*, 30 Cong., 1 Sess., IV., 817 (claims for expense of military operations and of Stockton's civil government in California); *Senate Executive Documents*, 30 Cong., 1 Sess., VII., 52 (treaty of Guadalupe-Hidalgo, Slidell's instructions, the Trist correpondence, etc.).

BOUNDARIES

The most useful authority for the whole northern boundary of the United States is John Bassett Moore, *History and Digest of the International Arbitrations to which the United States has been a Party*, etc. (6 vols., 1895; published as *House Miscellaneous Documents*, 53 Cong., 2 Sess., XXXIX., 212), I., with detailed maps. Valuable assistance in tracing the history of both northern and southern boundaries will be had from *American State Papers, Foreign Relations*. A good authority on the northeastern boundary is Albert Gallatin, *The Right of the United States of America to the Northeastern Boundary Claimed by Them* (1840). William F. Ganong, *A Monograph of the Evolution of the Boundaries of the Province of New Brunswick* (in Royal Society of Canada, *Transactions*, second series, 1901–1902),

will be found very useful. For the northwestern boundary, the argument for the United States claims is in Robert Greenhow, *The History of Oregon and California*, etc. (1844); while the English side of the controversy is presented in Travers Twiss, *The Oregon Question* (1846). A thorough and satisfactory treatment of one of its aspects is William Ray Manning, *The Nootka Sound Controversy* (American Historical Association, *Report*, 1905, 179–478). An outline of the history of the southwestern boundary is Isaac J. Cox, "The Southwestern Boundary of Texas," in Texas State Historical Association, *Quarterly*, VII., 81–102, which, in spite of needing some revision, remains the most useful summary of the subject. The foot-notes to this article serve as a partial guide to the fragmentary and scattered materials which must be used in dealing with the question.

ELECTIONS AND PARTY RELATIONS

In dealing with this topic, Theodore Clarke Smith, *The Liberty and Free Soil Parties in the Northwest* (*Harvard Historical Studies*, VI., 1897); and Nicolay and Hay, *Abraham Lincoln: a History* (1890), I., chaps. xv.–xviii., will be found useful. Of special value for the study of New York politics during the period of westward extension are John Stillwell Jenkins, *Life of Silas Wright;* and James D. Hammond, *Life and Times of Silas Wright* (1848), a continuation of the same author's *History of Political Parties in the State of New York* (2 vols., 1842).

ISTHMIAN DIPLOMACY

The most important authorities on this subject are Lindley M. Keasbey, *The Nicaragua Canal and the Monroe Doctrine* (1896); Ira Dudley Travis, *The History of the Clayton-Bulwer Treaty* (Michigan Political Science Association, *Publications*, II., No. 8, 1900); and Charles Henry Huberich, *The Trans-Isthmian Canal: a Study in*

American Diplomatic History, 1825–1904 (1904). Especially useful is *Senate Executive Documents*, 47 Cong., 1 Sess., VI., 194.

FINANCE AND FISCAL ORGANIZATION

Of special value for the study of this topic are Frank William Taussig, *Tariff History of the United States* (1888; rev. ed., 1898); Davis Rich Dewey, *Financial History of the United States* (*American Citizen* series, 1903), chaps. x., xi.; David Kinley, *History, Organization, and Influence of the Independent Treasury of the United States* (1893), chaps. ii., iii.; Albert Sidney Bolles, *The Financial History of the United States* (second ed., 1884–1886, 3 vols.), II., bk. iii., chaps. v., vi., xv.; Charles Franklin Dunbar, *Laws of the United States Relating to Currency, Finance, and Banking from 1789 to 1891* (1891, rev. ed., 1897), 123–148, 272–293; and *Reports of the Secretary of the Treasury of the United States, 1789–1849* (6 vols., 1837–1851), IV., V., VI.

THE SLAVERY ISSUE, AND THE COMPROMISE OF 1850

Treatments of this topic by honest and competent writers of keen insight but widely varying points of view are Horace Greeley, *The American Conflict: Its Causes, Incidents, and Results* (2 vols., 1864–1866), I., chap. xv.; Alexander H. Stephens, *A Constitutional View of the Late War between the States* (2 vols., 1868–1870), colloquy xvi.; Jefferson Davis, *Rise and Fall of the Confederate Government* (2 vols., 1881), I., chaps. ii., iii.; James Gillespie Blaine, *Twenty Years of Congress* (2 vols., 1884–1886), I., chaps. iv., v. The opposition in New England to slavery, and to the Mexican War because of its supposed connection therewith, found powerful expression in James Russell Lowell, *The Biglow Papers* [First Series] (1848), which is of great value to the student who understands thoroughly what the work is and why it was

written; but the reader should guard against confusing its satirical allegations and insinuations with historical fact. Albert Bushnell Hart, *Slavery and Abolition* (*American Nation*, XVI.), describes the institution of slavery and the methods of the abolitionists in the period of this volume. An excellent account of the compromise is James Ford Rhodes, *History of the United States from the Compromise of 1850* (7 vols., 1893–1906).

A great mass of information relative to conditions in California and New Mexico subsequent to their conquest, the provisional governments established there, and the movement to organize state governments, together with resolutions of state legislatures, etc., may be found in *House Executive Documents*, 30 Cong., 1 Sess., VIII., 70, and 30 Cong., 2 Sess., I., 1; *Senate Executive Documents*, 31 Cong., 1 Sess., IX., 18, XIII., 55, 56, 60, and XIV., 67, 74, 76; *Senate Miscellaneous Documents*, 30 Cong., 1 Sess.; *Senate Reports*, 31 Cong., 1 Sess., I., 123; *House Executive Documents*, 31 Cong., 1 Sess., III., pt. i., 5, V., 17, VII., 39.

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INDEX

ABERDEEN, EARL OF, and Texas, 117, 154.
Abolitionists, political convention (1840), 47. *See also* Liberty party.
Adams, C. F., nominated for vice-president, 282.
Adams, J. Q., charges Tyler with bad faith, 63; desire for Texas, 86, 106; slavery question produces opposition to annexation, 90; prevents vote on annexation, 95; protest against annexation, 141; change of attitude considered, 147–149; on Tyler's tariff veto, 183.
Alamán, Lucas, and colonization of Texas, 27.
Allen, William, and annexation of Texas, 146; and pre-annexation appropriation, 257, 258.
Almonte, J. N., and annexation of Texas, 199; demands his passports, 200.
Ampudia, Pedro de, and Taylor's advance, 204.
Andrews, S. P., and Great Britain and slavery in Texas, 111–113.
Annexation. *See* Territory.
Anti-Rent agitation, 7.
Arbitration, of northeastern boundary, 79; of Mexican claims, 193.
Archer, W. S., and pre-annexation appropriation, 258.
Area, national (1840), 8; unsettled, 22.
Aroostook War, 80.
Arredondo, Joaquin de, map, 104.
Ashburton, Lord. *See* Ashburton treaty.
Ashburton treaty, preliminaries, 80; obstacles to negotiation, 81; conduct of negotiators, 82; boundary provisions, 82–84.
Ashley, W. H., and Oregon, 163.
Astor, J. J., Pacific Fur Company, 36.
Astoria, settlement and history, 36.
Austin, Moses, Texas colony, 25; motives and slavery, 31.
Austin, S. F., Texas colony, 25; instructions on annexation, 92.

BAKER, E. D., on threats of disunion, 318.
Baltimore, population (1840), 10.
Bancroft, George, and war with Mexico, 204.
Bancroft, H. H., character of his works, 339.
Bankhead, Charles, and Slidell mission, 222, 225; and Trist mission, 249.
Bankruptcy act (1841), 181.
Banks, necessity of national

system, 57. *See also* National bank, Sub-treasury.
Barnburners, Democratic faction in New York, 271; and Polk, 272–274; and Wilmot Proviso, 274; and regular national convention (1848), 274; presidential convention, 281; and Free Soil convention, 282.
Barrow, Alexander, and annexation of Texas, 147.
Baylies, Francis, and Oregon, 37.
Bear Flag revolt, 234–238; Frémont's interest, 234; and Larkin's plans, 235; Frémont's policy, 236; beginning, 237; capture of Sonoma, 238; Frémont at Sonoma, 238; merged, 238.
Belize, origin, 286; British colony, 286; and Clayton-Bulwer treaty, 292.
Benton, T. H., and Oregon, 37; on Jackson and Van Buren (1843), 126; on election of 1844, 137; Texas bill (1844), 144, 146; and annexation resolution, 152; on tariff and distribution acts (1841), 180; and Frémont in California, 237; and pre-annexation appropriation, 257, 258; advice to California, 307, 317.
Berrien, J. M., and Tyler and national-bank bill, 62; and war with Mexico, 205; and annexation of Mexican territory, 262, 264.
Béxar settled, 98.
Bibliographies of period 1840–1850, 333.
Biographies of period 1840–1850, 338.
Birney, J. G., nominated for president, 47, 127.
Black, John, and Slidell mission, 209, 212, 217.
Bocanegra, J. M. de, on United States and Texas, 197–199.
Botts, J. M., and Tyler, 64.
Boundaries, northern, of Louisiana Purchase settled, 74; controversy over northern, of original territory, 75, 77; settled, 83; bibliography, 343. *See also* Northeastern, Oregon, Texas.
Brazito battle, 240.
Bright, J. D., and extension of Missouri Compromise, 303.
Brinkerhoff, Jacob, author of Wilmot Proviso, 255, 256.
British Honduras. *See* Belize.
Brown, A. A., and Jackson on Van Buren (1843), 126.
Brown, Milton, and annexation of Texas, 150.
Brown, W. J., speakership contest, 318.
Bryant, W. C., and name Oregon, 34.
Buchanan, James, and Oregon (1845), 168; (1846), 171; and Slidell mission, 209, 212, 220; and desire for whole of Mexico, 251–253; and pre-annexation appropriation, 257; ambition for presidency (1848), 269, 270.
Buena Vista battle, 246.
Bulwer, Sir Henry, Clayton-Bulwer treaty, 291; on interpretation of it, 292.
Burnett, D. G., in Texas, 85.
Burr, Aaron, and Texas, 23.
Burt, Armistead, on Oregon and Missouri Compromise, 302.
Butler, Anthony, and Tehuantepec transit, 289.
Butler, B. F., Barnburner, declines Polk's cabinet offer, 272; Polk removes, 273.
Butler, W. O., nominated for vice-president, 275.

CABINET, disruption of Tyler's, 63, 65.
Calhoun, J. C., and national-bank bill, 60; and Great Britain and slavery in Texas, 113; and treaty of annexation, 116; secretary of state, 118; correspondence with Pakenham on slavery, 118; and Jackson on Van Buren (1843), 126; and war with Mexico, 205; and pre-annexation appropriation, 258; on Mexican War and slavery, 264; on rights of slavery in territories, 297, 301; and judicial decision on territorial slavery, 299; and Oregon bill, 305; and southern address (1849), 311; speech on Clay's compromise resolutions, 323.
California, desire for, 40; commerce with, 40; Mexican government, 41; disturbances, 41, 230; American settlers, 41; Jones's seizure (1842), 197; British intentions, 197, 209, 225; Polk and purchase, 208, 225, 248; Slidell's instructions on purchase, 215; Kearny's march to, 231; navy takes possession, 232, 233; Larkin's instructions, 232; Flores revolt, 234; Frémont and Bear Flag revolt, 234–238; dissension of American commanders, local government, 239; ceded, 251; slavery conditions, 295; temporary government, 296; offered solutions on slavery question, 298–301; Clayton Compromise on, 306; Benton's advice on establishing a government, 307; Polk's check on it, 307; controversy in Congress (1849), 307–309; need of government, 315; Taylor advises self-organization, 315; discovery of gold and consequent anarchy, 316; state government organized, slavery prohibited, 317; Clay's compromise resolution on, 320; Clay on, 322; admission as free state, 328, 330; bibliography, 338–340, 346.
Cameron, Simon, and tariff of 1846, 186.
Canada, *Caroline* affair, 68, 69; and McLeod case, 70. *See also* Northeast boundary.
Caroline affair, 68, 69; McLeod case, 70.
Cass, Lewis, candidacy (1844), 130; and pre-annexation appropriation, 257; and indemnity from Mexico, 262; nominated for president, 275; political character, 275; defeated, 283; and popular sovereignty, 300.
Castro, José, faction in California, 230; and Bear Flag revolt, 237.
Central America, early scheme of Isthmian transit, 285; Belize and Mosquito Coast, 286; transit-way negotiations, 290; Clayton-Bulwer treaty, 291–293.
Cerro Gordo battle, 247.
Champoeg, French Canadian settlement in Oregon, 38; American local self-government, 166.
Chappell, A. H., and annexation of Texas, 153.
Chapultepec battle, 250.
Chase, S. P., on introduction of Wilmot Proviso, 256; speech on Clay's compromise resolutions, 326.
Chicago, population (1840), 10.
Chihuahua and Texas, 100.
Chihuahua City, Wool's expedition, 239; Doniphan in, 240.

Churubusco battle, 250.
Civil service, Harrison opposes political activity, 49, 51; scramble (1841), 52.
Claims against Mexico, breach over (1836), 188–191; number and character, 191, 194; action of Congress (1837), 192; Van Buren's demand, 193; commissioners to arbitrate, 193; action of commissioners, 194; failure to pay adjusted, 195; futile new conventions (1843), 195, 196; amount, 196; and cession of territory, 213–215; settlement by treaty of Guadalupe-Hidalgo, 251.
Clay, Henry, why not nominated (1840), 44; and Harrison's nomination, 45, 53; and Harrison as president, 53; attitude towards Tyler, 54, 58, 65; bill to repeal sub-treasury law, 57, 177; resolution on necessary legislation, 58, 66, 175, 186; first national-bank bill, 60; and reaction against Whigs (1841), 65; resigns from Senate, 66; opposes Texas annexation treaty, 120, 124; nominated for president, 128; Raleigh and Alabama letters on Texas, 135; defeated, 137; causes of defeat, 137; compromise resolutions (1850), 320; speech on them, 322; in committee of thirteen, 328.
Clayton, J. M., Clayton-Bulwer treaty, 291; and interpretation of it, 292; Clayton Compromise, 304.
Clayton, Thomas, and war with Mexico, 205.
Clayton-Bulwer treaty, provisions, 291; interpretation, 292.
Clayton Compromise, 304.
Clifford, Nathan, and desire for whole of Mexico, 253.
Coahuila and Texas, 28, 100, 101, 105.
Cobb, Howell, speakership contest, 318.
Colombia. *See* New Granada.
Columbia River, christened, 34, 158; mouth discovered, 158.
Commerce, Oregon fur-trade, 35–37; with Mexican California, 40; Oregon ocean, 159.
Compromise of 1850, Clay's resolutions, 320; debate in Senate, 321; Clay's speech, 322; Calhoun's speech, 323; Webster's speech, 324–327; Seward's speech, 326; Chase's speech, 326; compromise bills, 328; favoring circumstances, 329; passage, 330; extent of compromise, 331; bibliography, 345.
Congress, recognition of Texas (1837), 91; attempted annexation of Texas (1838), and Oregon (1824), 161; and claims on Mexico (1837), 192.
Twenty-seventh: extra session called, 52; Whigs and Tyler, 54, 58, 63–65, 174–176, 181, 183; message, 56; repeal of sub-treasury, 57, 177; Clay's programme, 58, 66, 175, 180; first national-bank bill, 58–61; veto of it, 61; second bill, 61–63; second veto, 63–65; Oregon, 163; carrying out of programme, 175; Tyler on compromise tariff, 179; tariff act of 1841, 180; distribution of public-lands proceeds, 180, 182–184; Tyler asks for heavier duties (1842), 181; temporary tariff act, 182; veto of it, 182; veto of permanent act, 183; act of 1842, 184.

Twenty-eighth: Texas annexation treaty, 119–121; complexion, 123; Tyler's Texas message, 142, 143; complexion on Texas question, 143; action on Texas before election of 1844, 144; Tyler's last annual message on Texas, 145; House annexation resolutions, 146, 152; resolution in Senate, 152; final passage of resolution, 153.

Twenty-ninth: admits Texas, 156; Oregon, 169–171; sub-treasury, 177; tariff, 185, 186; war legislation, 204, 205; executive sessions on pre-annexation appropriation, 257–259; public discussion of pre-annexation appropriation, Wilmot Proviso, 259–263; debate on the war and proviso, 263–266; Oregon and slavery, 301.

Thirtieth: Oregon, 302–305; Clayton Compromise, 304; executive government in New Mexico, 305–307; organization of California and New Mexico, 307–309; slavery in the District, 309–311; fugitive-slave law, 311; southern caucus and address, 311; problems left by, 313.

Thirty-first: Taylor's message, 317; speakership contest, 318; problem of California and New Mexico, 319; Clay's compromise resolutions, 320; debate on them, 321; Clay's speech, 322; Calhoun's speech, 323; Webster's speech, 324–327; Seward's speech, 326; Chase's speech, 326; compromise bills, 328; passage of them, 329–331.

Conner, David, protection for Texas, 117; before Vera Cruz, 212, 213, 244, 247.

Constitution, extension over new territory, 296, 297; Seward and Chase on, and slavery, 326, 327.

Contreras battle, 250.

Convention of 1818, northern boundary, 74; Oregon, 160.

Cook, James, and Oregon, 158.

Corwin, Thomas, elected senator, 152; and pre-annexation appropriation (1846), 259; on Mexican War, 265.

Cotton, sectional development of manufactures, 15.

Cotton-gin and slavery question, 14.

Crittenden, J. J., and war with Mexico, 205.

Dallas, G. M., nominated for vice-president, 130.

Dana, R. H., on Americans in California, 41.

Davis, John, and war with Mexico, 205; and Wilmot Proviso, 260.

Davis, R. D., and annexation of Texas, 153.

Dearborn, A. S., nominated for vice-president, 270.

De Bow's Review as source, 338.

Debt, Federal, loan of 1842, 66, 182.

Dellet, James, and annexation of Texas, 153.

Democracy and expansion, 5–8.

Democratic party, Jackson as cement, 43; adopts two-thirds rule, 129; and tariff (1844), 185; and Wilmot Proviso, 256, 267; Hunkers and Barnburners, 271–274; Barnburners and Free Soil party, 281, 282; and popular sovereignty, 277, 300. *See also* Elections.

Dickinson, D. S., and popular sovereignty, 300.
District of Columbia, agitation over slavery and slave-trade in, 309–311; Clay's compromise resolution on, 320; slave-trade prohibited, 329, 330.
Dodge, Henry, nominated for vice-president, 281; declines, 282.
Dolores, settlement and jurisdiction, 102.
Doniphan, A. W., Chihuahua expedition, 240.
Dorr Rebellion, 7.
Douglas, S. A., and annexation of Texas, 147; and extension of Missouri Compromise to Texas, 151; and origin of popular sovereignty, 300; bill on California and New Mexico (1848), 308.
Drake, Francis, and Oregon, 157.
Duncan, James, quarrel with Scott, 243.

Earle, Thomas, nominated for vice-president, 48.
Economic conditions, causes of sectionalization, 11–13; sectional differentiation, 13–17; contrast in the West, 18. *See also* Finances.
Edwards, P. L., in Oregon, 38.
Edwards, T. O., bill on slave-trade in the District, 310.
Elections, *1840:* Whig convention, 44–46; nomination of Harrison, 44; nomination of Tyler, 45; question of bargain, 46; no platform, 46; Democratic convention, 46, 47; platform, 46; Van Buren renominated, 47; no vice-president nominated, 47; Abolitionist convention, 47; Whig enthusiasm, 48, 49; issues dodged, 48; Whig success, 49; significance, 50.
1844: Texas as issue, 123, 136; Van Buren and Clay oppose annexation, 124; Jackson on Van Buren's candidacy and annexation, 124–126, 129; Liberty convention, 127; Whig convention, nomination of Clay and Frelinghuysen, 128; platform, 128; Van Buren's prospects diminish, 129; Democratic convention, 129–133; two-thirds rule, 129; balloting, 129; nomination of Polk, 130; Wright refuses vice-presidential nomination, Dallas nominated, 130; Polk as candidate, 130; platform, 131–133, 184; incidents of the convention, 133; Tyler convention, 133; Tyler withdraws, 134; campaign enthusiasm, 134; Clay hedges on Texas, 135; vote, popular verdict for Texas, 137; charges of fraud, 138; Plaquemines fraud considered, 139.
1848: Democratic disaffection, 269; convention of Native Americans, 270; Liberty party convention, 270; Liberty League convention, 271; "industrial congress" convention, 271; meeting of Democratic convention, 271; Hunkers and Barnburners, 271–274; Democratic nominations, 275; Cass as candidate, 275; platform, 276–278; Whig convention, candidates, 278; nomination of Taylor, 279; and Fillmore, 280; no platform, 280; Taylor as candidate, 280; Barnburners' convention, 281; Free Soil convention, 281; nomination of Van Buren

and Adams, 282; platform, 282; slogan, 283; vote, Whig success, 283; congressional results, 284; contest without an issue, 284; bibliography, 344.
Ellis, Powhatan, and claims against Mexico, 189, 190.
Escandón, José de, conquest in northeast Mexico, 102.
Evans, George, and war with Mexico, 205.
Ewing, Thomas, secretary of treasury, and national-bank bill, 57–59, 67.
Expansion. *See* Territory.
Explorations, Oregon, 38, 157–159, 163; Frémont's, 235.

Ferrelo, Bartolomé, and Oregon, 157, 158.
Fillmore, Millard, nominated for vice-president, 280; elected, 283; president, 329; and Texas claim to New Mexico, 330.
Finances, distribution of public-lands revenue, 66, 180, 182–184; chaotic condition under Tyler, 174, 177, 181; bankruptcy act, 181; loan of 1842, 182; bibliography, 345. *See also* National bank, Subtreasury, Tariff.
Flores revolt, 234.
Floyd, John, and Oregon, 35, 37, 161.
Foote, C. E., nominated for vice-president, 271.
Forsyth, John, and *Caroline* affair, 69; and annexation of Texas, 92; and claims against Mexico, 189, 192.
Forward, Walter, on public-lands proceeds, 182.
Foster, E. H., and annexation of Texas, 150.
France, and Texas, 96, 110, 154; Democratic platform on Revolution of 1848, 277.
Free Soil party, preliminaries to call of convention, 281; convention and candidates, 282; platform, 282; slogan, 283; holds balance of power in House, 284; and speakership contest (1849), 318.
Frelinghuysen, Theodore, nominated for vice-president, 128.
Frémont, J. C., share in Bear Flag revolt, 234; expeditions, 235; and local Mexican government, 235; instructions through Gillespie and policy, 236; and beginning of revolt, 237, 238; at Sonoma, 238; major and governor, 239; court-martialed, resigns, 239; and Benton's advice to California, 307.
Frontier in 1840, 9.
Fuca, Juan de, and Oregon, 158.
Fugitive-slave law, movement to strengthen (1849), 311; Clay's compromise resolution on, 321; Clay on, 323; Seward on, 326; bill of 1850, 328, 329; enacted, 330.
Fundy, Bay of, controversy, 73, 74.
Fur-trade in Oregon, 35–37.

Gaines, E. P., and Texan revolution, 87–89; in Mexican War, 241.
Gallatin, Albert, and northern boundary controversy, 78.
Ghent, treaty of, boundary commissions, 74–78; and Oregon, 160.
Giddings, J. R., and Wilmot Proviso, 265; and slavery in the District, 310.
Gillespie, A. H., in California, 233; and Flores revolt, 234; and Frémont, 236; command, 239.
Goliad settled, 99.
Gorostiza, M. E. de, Mexican

minister, and United States and Texan revolution, 87, 89; withdraws, 88; pamphlet, 88; disavowal of pamphlet demanded, 193.
Gott, Daniel, and slave-trade in the District, 310, 311.
Gray, Robert, on Columbia River, 34, 158.
Gray, W. H., in Oregon, 39.
Great Britain, problem of expansion at expense of, 21; recognizes Texas, 96; United States fears influence in Texas, 110; and slavery in Texas, 111; American correspondence on Texas, 117; ready to guarantee Texan independence, 154; and California, 197, 209, 225; Central American interests, 286, 291–293. *See also* Canada, Northeastern, Oregon.
Green, Duff, on British influence in Texas, 113.
Greytown, Nicaragua renounces claim, 287.
Guadalupe-Hidalgo treaty, 251.
Guerrero, Vicente, decree on slavery in Texas, 27.
Gutierrez, Bernardo, invasion of Texas, 24.

Hale, J. P., and annexation of Texas, 153; nominated by Liberty party (1848), 270; withdraws, 271; candidacy in Free Soil convention, 282.
Hannegan, E. A., on Polk and Oregon, 170.
Harmanson, J. H., on Mexican War, 264.
Harrison, W. H., nominated for president, 45; opposes political activity of office-holders, 49, 51; elected, 49; and office-seekers, 52; death, 52; calls extra session, 52; and Clay, 53.
Haywood, W. H., on Polk and Oregon, 170.
Heceta, Bruno, discovers Columbia River, 158.
Henderson, J. P., Texan minister, instructions on annexation, 93; concludes a treaty, 115.
Henderson, John, favors Texas annexation treaty, 120; and annexation resolution, 152.
Henry, Fort, in Columbia Valley, 36.
Herrera, J. J. de, decrees against annexation of Texas, 201; and Slidell, 218–222; overthrow, 222.
Herrera, Simon de, Neutral Ground treaty, 105.
"Higher law," Seward on, 326, 328.
Hise, Elijah, draught treaty with Nicaragua, 290.
Hittell, T. H., on Frémont in California, 236, 238.
Honduras, Tigre Island affair, 291.
Houston, J. W., and Wilmot Proviso, 263.
Houston, Sam, and annexation of Texas, 96, 109; and the treaty of annexation, 114–116; Jackson's interest, 126; and annexation resolution, 154.
Hudson Bay Company and Oregon, 37.
Hunkers, Democratic faction in New York, career, 271–273.
Hunt, Memucan, Texan minister, annexation negotiations, 92; and annexation by act of Congress, 93, 94.

Ide, W. B., Bear Flag revolt, 237, 238.
Immigration, amount before 1830, 6; (1830–1850), 8;

distribution, 8; effect on slavery expansion, 19.
Ingersoll, C. J., and annexation of Texas, 146, 147.
Irving, Washington, and Oregon, 39.
Isthmian transit, Tehuantepec negotiations, 248, 288, 289; new importance, 285; early Spanish scheme, 285; treaty with New Granada, 287; railroad at Panama, 289; Nicaragua route concessions, 290; Hise and Squier draught treaties, 290; Clayton-Bulwer treaty, 291; bibliography, 344.

Jackson, Andrew, and Democratic party, 43; attempt to acquire Texas, 87; and Texan revolution, 87–89; and annexation of Texas, 90, 91; denounces opposition to Texas annexation treaty, 121; and Van Buren and annexation issue (1844), 124–126, 129; and claims against Mexico, 189–192.
Jay treaty, St. Croix River boundary, 73.
Johnson, Henry, and annexation of Texas, 146, 152.
Johnson, R. M., not renominated, 47.
Jones, Anson, and annexation of Texas (1842), 109, 110; and annexation resolution, 154, 155.
Jones, T. A. C., seizure of Monterey, 197.

Kaufman, D. S., in Texas, 85.
Kearny, S. W., occupies New Mexico, 231; temporary government there, 231, 296, 306; march to California, 231; provisional government and Frémont, 239.
King, Leicester, nominated for vice-president, 270.
King, Preston, and pre-annexation appropriation, 261.

La Bahía settled, 98.
Labranche, Alcée, *chargé d'affaires* in Texas, 91.
La Fora map of Texas, 99, 101.
Lamar, M. B., conditions during administration, 33; opposes annexation, 96; Santa Fé expedition, 107.
Lapwai Creek, Oregon, missionary settlement, 39.
Laredo, settlement and jurisdiction, 102.
Larkin, T. O., and British intentions on California, 210; instructions, 232; and Bear Flag revolt, 235.
Lee, Daniel, in Oregon, 38.
Lee, Jason, in Oregon, 38.
Legaré, H. S., on compromise tariff (1842), 183.
Liberty League convention (1848), 271.
Liberty party, convention (1844), 127; influence on election, 137; convention (1848), 270; and Free Soil party, 282.
Lincoln, Abraham, and slavery and slave-trade in the District, 310.
Linn, L. F., and Oregon, 37, 163.
Long, James, invasion of Texas, 24.
Los Angeles, Americans occupy, 233; and Flores revolt, 234.
Louisiana, Plaquemines fraud (1844), 139.
Louisiana Purchase, northern boundary, 74; Texan boundary, 105.
Lowell, J. R., *Biglow Papers* as source, 346.

McDuffie, George, and annexation of Texas, 92, 144; and pre-annexation appropriation (1846), 258.
McKay, J. J., and pre-annexation appropriation, 259.
Mackenzie, Sir Alexander, in Oregon, 158.
McLeod, Alexander, case, 70.
McLeod, Fort, in Oregon country, 35.
McNab, A. N., *Caroline* affair, 69.
Magee, Augustus, invasion of Texas, 24.
Maine. *See* Northeastern boundary.
Manufactures, growth in North, 15–17.
Marcy, W. L., and plan of operations against Mexico, 229; and Scott, 242; and Barnburners, 272, 274.
Mason, J. M., reads Calhoun's speech, 323.
Massachusetts, and Ashburton treaty, 81, 82; and Texas, 96.
Meade, R. K., and fugitive-slave law, 311.
Merritt, Ezekiel, Bear Flag revolt, 237, 238.
Methodist church, Oregon mission, 38, 166.
Mexican War, causes, 188; claims as cause, 188–196; sympathy with Texas as cause, 196; violation of Mexican territory, 197; annexation of Texas as cause, 198–201; popular movement, 201; Taylor in Texas, 202; advance to Rio Grande, 203, 220; first skirmish, 204; Polk's war message, 204; war legislation, 205; and boundary of Texas, 205; Polk's sincerity, 206; Slidell mission, 208, 209, 212; and purchase of California and New Mexico, 208–210, 214, 215, 225; instructions to Slidell, 213–217; failure of Slidell mission, 217–225; stated reasons for not receiving Slidell, 219–221; overthrow of Herrera's government, 222; mission and Oregon question, 223; final refusal to receive Slidell, 224; mission considered, 225–227; Polk's policy of conquering a peace, 228; plan of operations, 229, 230, 241, 245; conquest of New Mexico, 231; of California, 231–239; Wool's expedition, 239; Doniphan's expedition, 240; friction and dissensions, 241–243; return of Santa Anna, 243, 244; conditions, 244; Taylor's campaign, 245; plan against city of Mexico, 245; Buena Vista, 246; Vera Cruz, 247; advance on city of Mexico, 247, 250; Trist mission, instructions, 247; Trist and Scott, 249; bribe to Santa Anna, 249; armistice and futile negotiations, 250; recall of Trist, 250; final negotiations by him, 251; treaty of Guadalupe-Hidalgo, 251; desire for whole of Mexico, 251–253; pre-annexation appropriations and Wilmot Proviso, 256–263; congressional discussion, 263–266; Democratic platform on (1848), 277; bibliography, 341; documents, 342.
Mexico, problem of expansion at expense of, 21; causes of friction with, 188; diplomatic breach over claims (1836, 1837), 188–191; number and character of claims, 191, 194; action of American Congress, 192; Van Buren's demand, 193; arbitration of

claims, 193; non-payment of adjusted claims, 195; futile claims conventions (1843), 195; amount of claims, 196; sympathy with Texas as grievance, 196; and Jones's seizure of Monterey, 197; diplomatic breach over annexation of Texas, 198–201; decrees against annexation, 201; limits its claim to Texas, 203; overthrow of Herrera, 222; hold on northern provinces, 229; restoration of Santa Anna, 243; Tehuantepec transit, 248, 288, 289. *See also* Mexican War, Texas.
Mexico City captured, 250.
Missouri Compromise, and annexation of Texas, 151; and new western territory, 298, 299, 302, 303, 319.
Missouri Fur Company in Oregon, 36.
Molino del Rey battle, 250.
Monasterio, and American claims, 190.
Money, chaotic condition (1841), 56; sub-treasury and specie payments, 176, 177.
Monroe, James, and Oregon, 161.
Monroe Doctrine, development, 210; Polk's interpretation, 211.
Monterey, California, Jones's seizure (1842), 197; Sloat occupies, 233.
Monterey, Mexico, battle, 245.
Montgomery, J. B., occupies San Francisco, 233.
Morfit, H. M., agent in Texas, 91.
Mormons and slavery, 319.
Morris, Thomas, nominated for vice-president, 127.
Moses, Stephen, colonization of Texas, 25; terms of grant, 26.
Mosquito Coast, origin of British claim, 286; Nicaraguans driven from, 287; and Clayton-Bulwer treaty, 292.
Murphy, W. S., on British influence in Texas, 112.

Nacogdoches settled, 98.
Nashville convention (1850), 329.
National bank, as issue in 1840, 48; Tyler's indefinite statements, 55, 56; Clay's programme, 58; secretary of treasury's report, 58; passage of first bill, 59–61; veto, 61; excitement, 61; Tyler and framing of second bill, 61; passage of second bill, 62; second veto, 63; question Tyler's bad faith, 63–65; project killed, 65, 128.
Nationalism, period of development, 11; economic reason, 12. *See also* Sectionalism.
Native American convention (1848), 270.
Negroes, number (1840), 9; centre of population, 10. *See also* Slavery.
Netherlands, king of, arbitration of northeastern boundary, 79.
Neutral Ground treaty, 105.
New Granada, treaty of 1848, 287.
New Mexico, and Texas boundary, 100; Texan Santa Fé expedition, 107; Polk and purchase, 208, 248; Slidell's instructions on, 214; conquest, 231; ceded, 251; slavery conditions, 295; temporary government and claim of Texas, 231, 296, 305–307, 319; Clayton Compromise on, 304; controversy in Congress (1849), 307–309; Taylor advises self-organization, 316;

Clay's compromise resolution on, 320; Clay on slavery in, 322; Webster on slavery in, 325; Seward on slavery in, 326; compromise bill on, 328; Fillmore and assertion of claim of Texas, 329; division, 331; popular sovereignty in, 331; bibliography, 346.
New Orleans, population (1840), 10.
New York, Anti-Rent agitation, 7; McLeod case, 70; in election of 1844, 137; Hunkers and Barnburners, 271–274; Barnburners' convention, 281; vote in 1848, 283.
New York City, population (1840), 10.
Nicaragua, renounces claim to Greytown, 287; transit concessions, 290; Hise and Squier draught treaties, 290.
Niles, J. M., on Mexican War and slavery, 263, 265.
Niles' Register as source, 337.
Nolan, Philip, invasion of Texas, 23.
Nootka Sound convention, 159; bibliography, 344.
North, development of nationalism, 12; abolition of slavery, 14; industrial change, 15. *See also* Sectionalism.
Northeastern boundary, origin, 71; southern boundary of Quebec (1763), 71; in treaty of 1782, 72, 83; controversy over St. Croix River, 73; over islands, 73, 74; Ghent treaty commissions, 74–76; meanings of "highlands," 76, 77; head of Connecticut River, 78; disagreement of commission, 78; arbitration by king of Netherlands, 79; United States "treaty" with Maine, 80; Aroostook War, 80; negotiation of Ashburton treaty, 81; attitude of Maine, 81; provisions of treaty, 82; "battle of the maps," 83; bibliography, 343.
Northwest Company in Oregon, 35; Astoria, 37.
Northwest Ordinance, extension, 301, 304.
Nueva Galicia, extent, 100.
Nueva Vizcaya, extent, 100.
Nuevo Santander and Texas, 100–103, 105.

Oregon country, name, 34; rival claims, 35, 159; elimination of Russian and Spanish claims, 35; British settlements, 35; Astoria, 36; joint occupation, 37, 160 – 163; American indifference, 37, 161; British ascendency, 37; early overland travel, 38, 163; mission settlements, 38; interest in, aroused, 39, 163, 167; Democrats demand reoccupation (1844), 132, 157, 167; early voyages and explorations, 157–159; Nootka Sound convention, 159; Americans control ocean trade, 159; British - American draught treaty (1806), 160; and treaty of Ghent, 160; boundary offers (1824, 1826), 162; Linn's forts and settlement bill (1843), 163; contemporary opinion of, 164; influence of increasing settlement, 164; danger in joint occupation, 165; position of rival settlements, 165; first local self-government, 165; slavery forbidden, 166; "re-occupation" considered, 167; futile negotiations (1845), 168; agitation for whole, 168–170; joint occupation terminates, 170; negotiations renewed, England of-

fers 49°, 171; treaty (1846), 171; Polk's attitude considered, 172; question and Mexican War, 223; Congress and territorial organization and slavery, 301–305; organized without slavery, 305; bibliography of settlement, 338–340; of boundaries, 344.

Pacific Fur Company in Oregon, 36.
Pakenham, Sir Richard, and Texas, 117–119; and Oregon, 168, 171.
Palfrey, J. G., and slavery in the District, 310.
Palo Alto battle, 245.
Paredes y Arrillaga, Mariano, overthrows Herrera, 222; and Slidell mission, 224; overthrow, 244.
Parker, Samuel, in Oregon, 39.
Passamaquoddy Bay controversy, 73, 74.
Pease, E. M., in Texas, 85.
Peña y Peña, Manuel de, and Slidell, 217–219, 221.
Pennsylvania, and tariff of 1846, 270; Whig success (1848), 283.
Pérez, Juan, and Oregon, 158.
Periodicals of period 1840–1850, 337.
Philadelphia, population (1840), 10.
Pico, Pio, faction in California, 230.
Pillow, G. J., quarrel with Scott, 243.
Pilsbury, Timothy, in Texas, 85.
Plaquemines fraud (1844), 137.
Poinsett, J. R., negotiations for Texas, 86.
Politics, expansion and sectional balance, 20; personal divisions (1824–1840), 43; obscuration of issues, 135; effect of territorial expansion and slavery question, 254, 255; effect of Wilmot Proviso on parties, 266–268; bibliography, 344. *See also* Elections, and parties by name.
Polk, J. K., desire for California, 40; nominated for president, 130; career and character, 130; availability, 131, 133; elected, 137; causes of election, 137; and optional section of annexation resolution, 153; and admission of Texas, 156; on Oregon (1828), 164; inaugural on Oregon, 168; Oregon offer (1845), 168; first annual message on Texas and Oregon boundaries, 169; and demand for whole of Oregon, 170; terminates joint occupation, 171; accepts offer of 49°, 171; action considered, 172; and sub-treasury, 177; and tariff, 185; war message, 204; and boundary of Texas, 206; sincerity, 206; Slidell mission, 208, 209, 212, 225–227; and purchase of California and New Mexico, 208, 214, 215, 225, 248; aggressiveness considered, 226; policy of conquering a peace, 228; and plan of operations, 229; and England and California, 209, 225; and Monroe Doctrine, 210–212; instructions to Slidell, 213–217; orders advance to Rio Grande, 220; and California and slavery, 225; and Frémont, 239; and commanding generals, 242; and Trist mission, 247, 250; accepts the treaty, 251; and desire for whole of Mexico, 252; and advice of Senate on pre-annexation appropriations, 256–259; messages on

the appropriation, 259, 261; on Democratic disaffection, 267–270; and New York factions, 272–274; New Granada treaty, 287; and Butler's Tehuantepec information, 289; and government for California and New Mexico, 296, 303, 306–308; and westward extension of Missouri Compromise, 299, 303, 305, 307; approves Oregon government bill, 305; and Benton's advice to California, 307; and southern address, 312; problems left by administration, 313; bibliography of administration, 333–338; diary, 337.
Pollock, James, and annexation of Texas, 147.
Popular sovereignty, Cass and doctrine, 275, 300; and Democratic platform (1848), 277; earliest suggestion, 300; in Compromise of 1850, 331.
Population, amount, class, and distribution (1840), 9; centre, 9; urban, 10; bibliography of westward movement, 338.
Presbyterian church, Oregon mission, 38.
Preston, W. C., and annexation of Texas, 95.
Public lands, issue of distribution of proceeds (1841–1842), 66, 180, 182–184; as pledge of loan, 182; Democrats denounce distribution, 184.

Quebec province, southern boundary (1763), 71.

Rathbun, George, on expansion, 265.
Reily, James, and annexation of Texas (1842), 109.
Representation, slave, 13, 265, 327.
Republican party, germs in Wilmot Proviso, 266.
Resaca de la Palma battle, 245.
Revenue, deficit (1841–1842), 181.
Rhode Island, Dorr Rebellion, 7.
Riley, Bennett, and California state government, 317.
Roenne, Baron de, arbitration of Mexican claims, 194.
Root, J. M., resolution on California and New Mexico, (1848), 309.
Rouse's Point, boundary controversy, 78, 83.

Sacramento battle, 240.
St. Croix River controversy, 73.
St. Louis, population (1840), 10.
Saltillo occupied, 245.
San Antonio, Spanish settlement, 98.
San Francisco occupied, 233.
San Pascual battle, 231, 234.
Santa Anna, A. L. de, treaties with Texas, 106, 206; and annexation of Texas, 198; assisted restoration, 243, 244; Buena Vista, 246; bribe, 249; abdicates, 250.
Santa Fé, Texan expedition to, 107; Americans occupy, 231.
Scott, Winfield, and Aroostook War, 80; and plan of operations against Mexico, 229; and Polk and Marcy, 242; excused from command, 242; quarrel with subordinates, 243; commands Mexican expedition, 246; campaign, 247, 250; and Trist, 249; bribe to Santa Anna, 249; armistice, 250; candidacy (1848), 278.
Secession, development from sectionalization, 17; failure due to expansion, 18; threats and Texas annexation, 96, 141; probability and proba-

ble effect in 1850, 266, 331; threats (1849–1850), 313, 318; Clay on, 323; Calhoun on, 324; Webster on, 325; Chase on, 327. *See also* Sectionalism.
Sectionalism, development, 11; economic cause, 11–13; slavery as factor, 13, 312, 319, 321, 332; evidenced in industrial differentiation, 14; effect of protection, 16; growth towards secession, 17; and westward movement, 18, 19; and political balance, 20; disclosure by Wilmot Proviso, 267; evidence of progress (1848), 277.
Sergeant, John, and Tyler and national-bank bill, 62.
Seward, W. H., speech on Clay's compromise resolutions, 326; higher-law doctrine, 326, 328.
Shepard, Cyrus, in Oregon, 38.
Slacum, W. A., report on Oregon, 39.
Slave-trade, agitation over status in the District, 309–311; Clay's compromise resolution on, 320; abolished in District, 329, 330.
Slavery, as factor in sectionalization, 13, 312, 319, 321; question not important before 1829, 13; question and cotton-gin, 14; abolition in North, 14; and immigration and expansion, 19, 254; and political balance, 20; Mexican decree on, in Texas, 27; legalized in Texas, 28; review of Mexican legislation on, in Texas, 29; Texas settlement and extension of, 30–32; Texas revolution and extension of, 32; and annexation of Texas, 90, 96; Great Britain and Texan, 111–114, 117–119; provisions in Texas annexation resolution, 151; forbidden by Oregon settlers, 166; and party reorganization, 254, 255; Democratic platform on (1848), 276–278; progress of territorial restriction, 294, 301; status in California and New Mexico, 295–298; offered solutions of problem in western territory, 298–301; movement for judicial decision on territorial, 299, 304; controversy over Oregon, 301–305; Congress and, in the District, 309–311; caucus and address of southern congressmen (1849), 311; sectional excitement, 312, 319; bibliography of issue, 345. *See also* Compromise, Fugitive slave, Wilmot Proviso.
Slidell, John, and Plaquemines fraud, 139; mission to Mexico, 208, 209; Mexican willingness to receive, 212; instructions, 213–217; on boundary north of El Paso, 216; at Vera Cruz, government fears to receive, 217, 222; at Mexico, 218; on condition of Mexican government, 218; stated reasons for not receiving, 219–221; Senate confirms appointment, 220; mission and Oregon question, 223; final refusal to receive, reasons given, 224; mission considered, 225–227.
Sloat, J. D., in California, 232, 233.
Smith, Ashbel, Texas minister to England, 85; on England and slavery in Texas, 113; and British guarantee of independence, 154.
Smith, Gerrit, nominated for president, 271.

Smith, J. S., overland journey to California, 40.
Social conditions, aristocratic tendencies in colonies, 5; reaction due to expansion, 5; immigration, 5, 8; area and population (1840), 8–11.
Sources on period 1840–1850, bibliography, 334; general collections, 335; special collections, 336; on Texas, 336, 341; Polk's diary, 337; other contemporary narratives, 337; periodicals, 337; on Mexican War, 342; on California and New Mexico after conquest, 346.
South, lack of economic change, 12; and state rights, 12; lack of manufactures, 15–17. *See also* Secession, Sectionalism, Slavery.
South Carolina and annexation of Texas, 141.
Southern Literary Messenger as source, 338.
Spain, claim to Oregon, 35, 159; Nootka Sound convention, 159; and Isthmian transit, 285.
Spalding, H. H., in Oregon, 39.
Squatter sovereignty. *See* Popular sovereignty.
Squier, E. G., draught treaty with Nicaragua, 290; and Tigre Island, 291.
State rights, economic influences on, 12; and northeastern boundary controversy, 81.
Stephens, A. H., on Polk and the war, 207, 263; resolution on government in New Mexico, 305; and southern address, 312.
Stockton, R. F., in California, 233, 239.
Strong, Stephen, on politics of Wilmot Proviso, 256.
Stuart, A. H. H., and Tyler and national-bank bill, 61.
Sub-treasury, success, 56, 176, 178; repeal, 57, 177; opposition to specie feature, 176; restored without specie feature, 177; bibliography, 345.

Tamaulipas and Texas, 100, 102, 103, 105.
Tappan, Benjamin, and Texas annexation, 120, 146, 152.
Tariff, protection and sectionalism, 16; growth of protection, 179; compromise tariff, 179; Tyler on compromise, 179; act of 1841, 180; Tyler suggests increase, 181; temporary act (1842), 182; veto of it, 182; veto of permanent act, 183; act of 1842, 184; Democratic platform on (1844), 184; Polk on, 185; Walker's report, 185; act of 1846, 185–187; bibliography, 345.
Taylor, Zachary, in Texas, 202; advances to Rio Grande, 203, 220; first skirmish, 204; and Polk, 242; as a general, 242; campaign, 245; and plan against city of Mexico, 245; complaints, 246; Buena Vista, 246; nominated for president, 279; character as candidate, 280; elected, 283; advises California and New Mexico to organize, 315; message, 317; and popular sovereignty, 324; death, 329; bibliography of administration, 333–338.
Tehuantepec, isthmus of, transit negotiations, 248, 288, 289.
Telegraph, first public use, 133.
Tennessee, Whig success (1840, 1844), 125, 137.

Territories, Democratic convention and slavery in (1848), 277, 278; restrictions on slavery, 294, 301; offered resolutions of slavery problem for new western, 298–301; extension of Missouri Compromise, 298, 299, 302, 303, 319; movement for judicial decision on slavery, 299, 304, 307; popular sovereignty, 300, 331.

Territory, impulse of acquisition, 3; factor in American history, 4; democratic aspect of expansion, 5, 7; character of pioneers, 5; energies fostering expansion, 6–8; land-hunger, 6; spirit of the age, 6; area (1840), 8; effect on secession, 18; expansion and sectionalism, 18, 254, 332; expansion and political balance, 20; effect of political disorganization, 20; international problem of expansion, 21; unsettled area (1840), 22; pre-annexation settlements, 22; offers for California and New Mexico, 208, 215, 225, 248; acquired, 251; Wilmot Proviso, 256, 259–267; establishment of government in conquered, 296, 306; extension of Constitution over new, 296, 297; bibliography of expansion, 338–340. *See also* Boundaries, Oregon, Texas.

Texas, American invasions, 23–25; Austin's colonization, 25; terms of grants to *empresarios*, 26; Mexican reaction against colonization, 27; Mexican decree on slavery, 27; futile decree against colonization, 27; rising (1832), 28; and Coahuila, 28; revolution, 28; independent constitution, 28; slavery legalized, 28; Mexican legislation on slavery, 29; settlement and extension of slavery, 30–32; revolution and extension of slavery, 32; and Mexico after 1836, 33; straits, 33; spirit, 34; source of American colonists, 85; pre-revolutionary attitude of United States, 86; Adams's attempt to acquire, 86; Jackson's attempt, 87; attitude of United States during the revolution, 87–89, 196; votes for annexation (1836), 89; injection of slavery question, 90, 96; Jackson's policy, 90, 91; Congress votes to recognize, 91; Van Buren refuses offer of annexation, 92; movement for annexation by act of Congress, 92–95; state resolutions on annexation, 95; withdraws offer of annexation, 96; seeks recognition in Europe, 96; United States fears British influence, 96, 110–114; Spanish settlements, 98; La Fora map on extent (1767), 99, 101; contiguous Mexican provinces, 100; question of official delimitation, 100; original western boundary, 101–105; Escandón map, 102; French boundary claim, 103; limits by royal order of 1804, 103; by order and map of 1811, 104; Neutral Ground treaty, 105; limits by treaty with Santa Anna, 106; by act of Texas congress, 106; Rio Grande claimed but not occupied, 107; Santa Fé expedition, 107; renewal of offer of annexation (1841), 109; Great Britain and slavery in, 111–114; annexation treaty concluded, 114; ques-

tion of protection pending annexation, 115; protection after signing of treaty, 116; American-British correspondence, 117–119; terms of treaty, 119; secrecy of negotiations, 119; treaty sent to Senate, 119; becomes public, 120; rejected, 120; rejection ultimately advantageous, 121; annexation as campaign issue (1844), 123, 124; Clay and Van Buren oppose it, 124, 126; Jackson on annexation and Van Buren's candidacy (1844), 124–126, 129; Whig platform silent on, 128; Democratic platform demands re-annexation, 132; popularity of annexation, 132; "re-annexation" considered, 132; Tyler's supporters for annexation, 134; election a verdict for annexation, 137; northern protest, 141; southern demonstrations for, 141; Tyler's message on (June, 1844), 142, 143; prospects in Congress, 143; ante-election action of Congress, 144; Tyler's last annual message on, 145; House annexation resolution, 146; public agitation on congressional action, 146; House debate, 147–150; Adams's attitude considered, 147–149; need of popular verdict, 148; question of war with Mexico, 149; vote in House, 150; provisions of resolutions, 150, 151; and Missouri Compromise, 151; resolution in Senate, optional section, 152; final passage, 153; Tyler offers annexation, 153; Texan attitude on annexation, 154; Great Britain ready to guarantee independence, 154; preliminary Mexican treaty, 154; annexation accepted, 155; admitted as a state, 156; Polk on boundaries, 169; Mexico and annexation, 198–201; virtual limitation of Mexican claim, 203; justice of boundary claim, 205; boundaries and Slidell mission, 214, 216; claim to part of New Mexico, 296, 305–307, 319; Clay's compromise resolution on claim, 320; compromise bill on claim, 328, 331; Fillmore and assertion of claim, 330; bibliography, sources, 336, 341; of colonization, 339; of annexation, 340; of boundaries, 344.

Thompson, James, and tariff of 1846, 186.

Thompson, Waddy, and annexation of Texas, 95; as minister to Mexico, 198, 200.

Thornton, and Trist mission, 249.

Tigre Island, cession to United States, 291; British seizure, 291.

Toombs, Robert, disunion threat, 318.

Tornel, J. M., and Mexican decree on slavery in Texas, 27.

Trist, N. P., mission, 248; and Scott, 249; first negotiations, 250; recalled, 250; but negotiates a treaty, 251.

Tyler, John, and Dorr Rebellion 7; nominated for vice-president, 45; politics, 45; question of bargain, 46; and Clay's claim to leadership, 54, 58, 65; cabinet, 55; address to the people, 55; indefinite statements on financial policy, 55, 56; message at extra session, 56; first

national-bank veto, 61; and draughting of second bank bill, 61, 62; second veto, 63; question of bad faith, 63; cabinet resigns, 63; explanations of conduct, 64; new cabinet, 65; success in foreign affairs, 67; annexation treaty with Texas, 114, 119; renominated, 133; withdraws, 134; message on Texas after rejection of treaty, 142; fourth annual message on Texas, 145; acts on annexation resolutions, 153; financial conditions and quarrel with Whigs, 174–176, 181; and sub-treasury, 177; and compromise tariff, 179; suggests heavier duties, 181; veto of temporary tariff act (1842), 182; and of permanent act, 183; Whig condemnation for it, 183; and Jones's seizure of Monterey, 197; bibliography of administration, 333–338; letters, 336.

Upham, William, and war with Mexico, 205; on expansion, 265.

Upshur, A. P., and British influence in Texas, 111; death, 118; and Mexico, 199, 200.

Utah, territory organized, 328–330; popular sovereignty in, 331.

Van Buren, renominated, 47; defeated, 49; and *Caroline* affair, 69; and annexation of Texas (1837), 92; opposes Texas annexation treaty, 120, 124, 126; Jackson on candidacy and annexation issue (1844), 124–126, 129; prospects diminish, 128, 129; loses nomination, 129; and Barnburners, 272; nominated by Barnburners (1848), 281; and by Free Soil party, 282.

Van Zandt, Isaac, Texas *chargé d'affaires*, 110; annexation treaty, 115.

Vera Cruz captured, 247.

Victoria, Tamaulipas, occupied, 245.

Waiilatpu, missionary settlements in Oregon, 38.

Waitt, W. S., nominated for vice-president, 271.

Walker, C. M., in Oregon, 38.

Walker, R. J., and annexation of Texas, 152; report and bill on tariff, 185, 186; desire for whole of Mexico, 251; on Tehuantepec route, 288.

Webster, Daniel, as a Whig leader (1841), 54; secretary of state, 54; and national-bank bill, 62, 65; as a diplomat, 67; refuses to resign, 67; and McLeod case, 70; Ashburton treaty, 81–84; and Mexico (1842), 197; and pre-annexation appropriation (1846), 259; 7th of March speech, 324–326; sincerity of speech, 327.

West and sectionalism, 18. *See also* Territory.

Wharton, W. H., Texan minister, instructions to, on annexation, 92.

Wheeler, R. T., in Texas, 85.

Whig party, as anti-Jackson, 44; chiefs (1841), 53–55; and Tyler, 54, 58, 63–65, 174–176; reaction against, 65; and financial conditions under Tyler, 174; and Wilmot Proviso, 266, 280. *See also* Elections.

White, Elijah, in Oregon, 166.

Whitman, Marcus, in Oregon, myth, 39.

Wilkinson, James, and Long's

invasion of Texas, 24; Neutral Ground treaty, 105.
Wilmot, David, and introduction of Wilmot Proviso, 256, 262.
Wilmot Proviso, authorship, 255; as a political manœuvre, 256; occasion, 256–259; first offer, terms, 259; passes House, 260; fails in Senate, Davis's responsibility, 260; second offer passes House, 261; second failure in Senate, 262; final failure in House, 262; debate, 263–266; effect on national parties, 266, 278, 280; and disclosure of sectionalization, 267; northern official indorsement, 267; and origin of Free Soil party, 281.
Winthrop, R. C., and annexation of Texas, 147; speakership contest, 318.
Wood, B. R., on anti-slavery, 265.
Wool, J. E., Chihuahua expedition, 239.
Worth, W. J., quarrel with Scott, 243.
Wright, Silas, refuses vice-presidential nomination, 130; uniqueness of action, 133; and Barnburners, 272; campaigns for governor, 272; and Polk, 272; death, 275; bibliography, 344.
Wyeth, N. J., journey to Oregon, 38.

YANCEY, W. L., resolution on slavery (1848), 277.

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